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Washington, Tuesday, May 9, 1944

The President

EXECUTIVE ORDER 9439

ESTABLISHING A UNIFORM MONTHLY RATE OF PAY FOR STUDENT NURSES TRANSFERRED TO FEDERAL HOSPITALS

By virtue of and pursuant to the authority vested in me by section 11 (b) of the act of June 15, 1943 (Public Law 74, 78th Congress), as amended by the act of March 4, 1944 (Public Law 248, 78th Congress), student nurses transferred to any Federal hospital in the continental United States, exclusive of Alaska, pursuant to subsections (e) and (f) of section 2 of the said act of June 15, 1943, shall be paid a stipend at the monthly rate of sixty dollars for that period of training requisite to graduation: *Provided*, that the period of training in no case shall extend beyond the period required for graduation by the institution from which the student nurse was transferred, but may be terminated at any time prior thereto as the interests of the service may require.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 4, 1944.

[F. R. Doc. 44-6491; Filed, May 6, 1944; 2:47 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9-9]

PART 1220—FEED

SET ASIDE REQUIREMENTS FOR PROCESSORS OF OILSEED FOR JUNE, 1944

Pursuant to the authority vested in me by War Food Order No. 9 (8 F.R. 16960, 9 F.R. 4319), issued on December 18, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that:

§ 1220.12 *Set aside requirements for processors of oilseed for June 1944*—(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him 20 percent of his production of cottonseed, soybean, linseed and peanut oil meal, cake or pellets (hereinafter called "oilseed meal"), during June 1944. The amount of production upon which the quantity of oilseed meal set aside is based shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop," and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to a buyer named in a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located or by the Chief of the Feed and Livestock Branch, Office of Production, War Food Administration. The certificate shall be in substantially the following form:

CERTIFICATE OF DESIGNATED BUYER

_____ is authorized to purchase and accept delivery of _____ (tons-pounds) of oilseed meal from amounts set aside by _____ of _____
(Name of Processor) (Address of Processor)
_____, pursuant to the order of the Director of Food Production. (If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be returned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)

FOOD PRODUCTION ADMINISTRATION,
_____ Agricultural Conservation Committee of
_____
(Address)

J. B. Hutson, Director
By_____
(Chairman)

Expiration Date _____

(2) Agricultural Conservation Committees may commence issuing Certificates of Designated Buyers pursuant to this order during May 1944, and processors may commence delivery of oilseed meal pursuant to such certificates during May 1944. A processor shall be en-

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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titled to credit such deliveries made in May 1944 against the quantity of oilseed meal which he is required to set aside in June 1944, if he makes the report provided for in paragraph (d) (1) hereof.

(3) Shipment of any oilseed meal, set aside pursuant to this order must be made by a processor within twelve days of the receipt of any such certificate.

(4) The original and the processor's copy of appropriately executed certificates shall be sent by the person responsible for their issuance directly to the processor and a copy shall be sent to the designated buyer. The designated buyer and the processor shall arrange the details of transfer of materials designated on the certificate, using such intermediary parties as the processor may designate. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (d) (2).

(5) No processor shall be required to honor a Certificate of Designated Buyer unless the designated buyer furnishes the processor or his agent, before midnight of June 20, 1944, with (i) shipping instructions, and, in the case of designated buyers other than feeders, (ii) the statement required by paragraph (h) of War Food Order No. 9. If a processor elects not to honor a Certificate of Designated Buyer under the provisions of this paragraph, he shall return such certificate to the issuing office and he may dispose of the oilseed meal covered by the certificate free from the restrictions of this order.

(c) *Existing contracts.* If this order makes it impossible for a processor to fill all of his contracts for the delivery of oilseed meal, which are in existence on the date of the issuance of this order, he shall not, by reason of this order, refuse to make delivery of more than 20 percent of the oilseed meal covered by any such contract.

(d) *Processor's reports*—(1) *Report of tonnage for May delivery for credit against June set aside.* If a processor wishes to make deliveries of oilseed meal pursuant to this order in May 1944 for credit against his set aside in June 1944, he must report to the Director in writing (or by telegraph) not later than May 25, 1944, the estimated tonnage of each kind of oilseed meal which will be available at each of his processing plants for delivery in May 1944 for such credit. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Report of tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than July 10, 1944, for each plant operated by him. Certificates of Designated Buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(e) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue Certificates of Designated Buyers unless authorized to do so by its State Agricultural Conservation Committee.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Production, War Food Administration, Washington 25, D. C., Ref: WFO 9–9.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423, E.O. 9392, 8 F.R. 14783; WFO 9, 8 F.R. 16960, 9 F.R. 4319)

Issued this 6th day of May 1944.

J. B. HUTSON,
Director of Production.

[F. R. Doc. 44–6492; Filed, May 6, 1944; 3:16 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENTS UNDER CONTRACTS, FORMAL AND INFORMAL

In § 35.8 (f) (9 F.R. 1843) subparagraph (3) is amended as follows:

§ 35.8 *Adjustments.* * * *

(f) *Delay in performance.* * * *

(3) *When liquidated damages provided for in contract.* (i) Whenever, under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will withhold from payment and, when final payment is made under the contract, will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the open allotment and project account No. 1–970 P 970–13, Reserve for Settlement of Claims, subject to final adjustment by the General Accounting Office. Except as provided in subdivision (v) below, amounts withheld on account of liquidated damages will not again become available for obligation or for payment by disbursing officers, and settlement thereof may only be authorized by the General Accounting Office. Any protests made by the contractor against the deductions of liquidated damages will be forwarded, together with a statement of all payments made, citations to all vouchers and a detailed statement from the contracting officer, through the Fiscal Director, Headquarters, Army Service Forces, The Pentagon, Washington 25, D. C., to the General Accounting Office. See 16 Comp. Gen. 374, and Procurement Regulations No. 308–E. (§ 81.308e of this title).

* * * * *

(v) In the event that liquidation damages are withheld and credited to account No. 1–970 P 970–13 and subsequently it is determined that such amounts were withheld erroneously or are otherwise found to be due to the contractor, by reason of changes in the contract terms or by reason of any other procedures approved by appropriate authority providing for repayments of amounts so withheld, the amounts so determined to be payable may be certified on a payment voucher and charged to account No. 1–970 P 970–13 under the applicable appropriation. (R.S. 161; 5 U.S.C. 22) [Par. 5*f*, AR 35–6040, Feb. 1, 1944, as amended by C1, Apr. 27, 1944]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44–6485; Filed, May 6, 1944; 12:45 p. m.]

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

SUBSISTENCE CHARGES

Subparagraph (1) of § 77.18 (a) (8 F.R. 3664) is amended as follows:

§ 77.18 *Subsistence and other charges for patients*—(a) *Subsistence charges; rates.* * * *

(1) For officers, Army nurses, militarized female personnel of the Medical Department on an officer status, and officers of the Women's Army Corps, warrant officers, and aviation cadets, $1 a day, except in mobile hospital units, where the rate will be an amount equal to the commutation rate prescribed in Army regulations. Cadets of the United States Military Academy will be charged not to exceed the amount per day appropriated for their subsistence by Congress. Retired enlisted men who have been advanced on the retired list to commissioned or warrant grades under the provisions of the act of Congress ap-

proved 7 May 1932 will be subsisted as officers patients unless they elect to be subsisted on enlisted status. See subparagraph (4) of this paragraph. (R.S. 161; 5 U.S.C. 22) [Par. 12*a*, AR 40–590, Feb. 2, 1942, as amended by W.D. Cir. 170, May 1, 1944]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44–6486; Filed, May 6, 1944; 12:46 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

[Procurement Regs. 3, 4, 6, 9, 12, and 15]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments and additions to the regulations contained in Parts 81 and 88 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082) as amended by Change 33, 28 April 1944,[1] the particular regulations amended being Nos. 3, 4, 6, 9, 12, and 16.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Section 5a, National Defense Act, as amended, 41 Stat. 764; 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838; 50 U.S.C. Sup. 601–622.

[Procurement Reg. 3]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACTS

In § 81.303 paragraph (f) is amended as follows:

§ 81.303 *General requirements for contracts.* * * *

(f) *Partial payments.* It is to be noted that any type of contract, including the purchase order, may provide for partial payments upon completion of the delivery of one or more complete units called for under the contract, or upon the completion of one or more distinct items of service called for thereunder. Any existing contracts which provide for a single payment may be amended to provide for such partial payments. Likewise, prior to delivery, payments may be made on work in progress for the Government, provided that the contract contains a clause similar to one of the contract clauses set forth in §§ 81.330 and 81.331. Contracts (including purchase orders) under which it is contemplated that more than one payment will be involved must, of course, be numbered as required by § 81.309 (a) and distributed in accordance with § 81.316.

[1] For previous changes see 7 F.R. 9268, 10184, 10906; 8 F.R. 3339, 5210, 6576, 7526, 8629, 8918, 9908, 11609, 12043, 13083, 13791, 14512, 16009, 16100, 17464; 9 F.R. 1344, 2975 and 4066.

In § 81.308b (a) (1) (iii) inferior subdivisions (*a*), (*b*) and (*c*) are amended as follows:

§ 81.308b *Correction of mistakes.* (a) * * *

(1) * * *

(iii) * * *

(*a*) The notice of the mistake must have been given by the contractor to the contracting officer before completion of performance and before the giving of notice of termination of the contract; *Provided,* That in case of contracts for sale of government property, such notice must be given by the purchaser to the contracting officer before completion of deliveries by the government or before final payment by the purchaser, whichever is later.

(*b*) The charge involved must not result in an adjustment in excess of $50,000; and

(*c*) Where the contract was made as a result of a formal or informal invitation to bid the change must not result, in the case of contracts for the sale of government property, in the payment by the contractor of a sum less than the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, and in the case of other contracts, in the payment to the contractor of a sum in excess of the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, except that, in either case, if the contract was not originally placed on a basis of competition as to price but primarily on the basis of other considerations the limitation contained in this inferior subdivision (*c*) shall not be applicable.

* * * * *

Section 81.308f is amended as follows:

§ 81.308f *Amendment of contracts after final administrative determination of amount due.* The authority granted to the chiefs of the technical services pursuant to §§ 81.308b (a) (1), 81.308e (a), 81.379 and 81.380 will not be exercised (a) in the case of contracts for the sale of government property, after the completion of delivery by the government or final payment by the contractor, whichever is later or (b) in the case of other contracts, after the contracting officer has administratively determined the final amount due under the contract by communicating his determination to the contractor or by the approval of a final voucher therefor, except that if the contracting officer's determination is, by the terms of the contract, subject to review by the Secretary of War, or his duly authorized representative, such authority may be exercised at any time prior to final action on such review if the contractor perfects his right to such review. Attention is directed to the provisions of § 81.308g.

In § 81.309 paragraphs (a) and (b) (3) are amended:

§ 81.309 *Numbering contracts*—(a) *When required.* (1) Every contract involving the receipt or expenditure of public moneys will be numbered when:

(i) The actual or estimated amount involved is $5,000 or more, or

(ii) It is contemplated that more than one payment (or receipt) will be involved, regardless of the amount involved.

(2) The provisions of subparagraph (1) are not applicable to delivery orders evidencing interbranch or interdepartmental purchases (see § 81.605a and §§ 81.606–81.614). Such delivery orders need only to be given such designation as may be prescribed by the chiefs of the technical services. If, however, it is contemplated that any such order will involve more than one payment, it must be numbered in accordance with paragraph (b) of this section or § 81.318b (e) unless the procedure prescribed in subparagraph (3) of paragraph (a) of § 81.318 is followed.

(b) *System.* * * *

(3) The letter or letters representing the technical service. No approved letter symbol may be changed, nor may any new letter symbol be adopted, unless approval therefor is first obtained from the Office of the Fiscal Director, Headquarters, Army Service Forces, which, before granting any such approval is required to obtain formal approval of the Comptroller General of the United States.

* * * * *

Paragraph (e) is added to § 81.317.

§ 81.317 *Unnumbered contracts.* * * *

(e) *Payments for partial deliveries under unnumbered contracts.* A contract may be entered into under which it was anticipated that delivery would be completed in a single shipment but due to subsequent unforeseen conditions and circumstances the contractor is precluded from completing such delivery and instead makes partial shipments in order to fulfill his obligation as expeditiously as practical. Under such circumstances payments, not to exceed five (5) in number on any given contract, may be made with respect to partial deliveries under unnumbered contracts: *Provided,* That the original signed contract is attached to the first payment voucher and cross references thereto noted on successive partial and final payment vouchers. Such cross references will include the following information as to the first payment voucher: the date and the disbursing officer's name and voucher number.

In § 81.318b paragraph (e) (1) (ii) is amended.

§ 81.318b *Contract procedure.* * * *

(e) *Numbering of service command contracts.* (1) * * *

(ii) The station number, that is, the station or office as published in the War Department Fiscal Code. There may be added to the station number a capital letter or other designation to indicate the branch by which the contract was executed. The following symbols will be used to designate the respective branches set opposite each symbol:

Q—Quartermaster.
S—Signal.
T—Transportation.
O—Ordnance.
E—Engineer.
M—Medical.
C—Chemical.
U—Repairs & Utilities Branch.
Tng—Training Branch.
AST—Army Specialized Training Branch.

No symbol other than those enumerated in the preceding sentences will be used unless approval for such use is obtained from the Legal Branch, Office of Director of Material, Headquarters, Army Service Forces. Any request for such approval should specify the reason why additional symbols are required. The Legal Branch will advise the Contract Service Section, Audit Division, General Accounting Office, Washington, D. C., of any approvals granted for the use of such additional symbols. It is to be emphasized that the use of the additional symbols authorized by this subdivision (ii) is for the convenience of the post, camp or station and, accordingly, is optional. The use of these branch symbols may be dispensed with or, if desired, a single branch symbol (and one series of contracts) may be used for more than one, but less than all, branches at a given post, camp or station.

In § 81.321 paragraph (d) is amended as follows:

§ 81.321 *Advance payments.* * * *

(d) *Security*—(1) *Requirements.* Advance payments shall be authorized only upon the furnishing of adequate security by the contractor. The security to be furnished will be that required under the provisions of the standard clauses or standard forms of supplemental agreements referred to in paragraph (k) of this section. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly formed subsidiary corporation. Whether guarantees, subordination agreements or other security devices should be required, in connection with advance payments, is within the discretion of the person having authority to approve the authorization of advance payments. Advance payment bonds will be required only in the most exceptional circumstances (see §§ 81.406 (d) and 81.407 (a)).

(2) *Release of security upon liquidation of advance payments.* The execution, upon the liquidation of advance payments, of releases and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices, which may be required in connection with advance payments, will facilitate the prosecution of the war. Accordingly, such releases and agreements to release may be executed pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001, by the chief of a technical service or his duly authorized representative, or by the person to whom he may delegate such authority, in those cases where such security devices have been given to secure a specific advance payment or advance payments and no other obligations to the Government, and such advance payment or advance payments have been fully liquidated.

In cases where releases or agreements to release security devices, given in connection with advance payments, cannot be executed pursuant to the authority above granted, proposed releases or agreements to release, together with recommendations as to action requested, should be submitted to the Advance Payment and Loan Branch, Office of the Fiscal Director, for prior approval and execution by the Fiscal Director or his duly authorized representative to whom authority to execute such releases and agreements to release is granted pursuant to Title II of the First War Powers Act, 1941, and Executive Order 9001.

* * * * *

In § 81.342 paragraph headnotes are corrected to read as follows:

§ 81.342 *Articles governing statutory renegotiation.* * * *

(a) *Form I.* * * *

(b) *Form II.* * * *

(c) *Form III.*

[Form III] Renegotiation pursuant to the Renegotiation Act: Form for supplemental agreements.

Article ------ *Renegotiation.* * * *

In § 81.351 paragraph (d) is amended and paragraph (e) is deleted, as follows:

§ 81.351 *Price adjustment articles.* * * *

(d) *Article for use in contracts for the purchase of lumber; coal; or basic steel products from steel mills (Schedule I of CMP Regulation 1, as amended from time to time).*

Article ------ Escalation in relation to OPA ceiling prices. The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased or decreased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased, or decreased, by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased, or decreased, up to and including the date of delivery.

NOTE: Where the foregoing article is used, the following clause may be added:

Price adjustment in relation to other factors. In the event that the establishment and maintenance by the Office of Price Administration or other Government agency of maximum prices for the type of [lumber] [coal] [steel] covered by this contract is terminated during the contract period, and if during the remainder of such period changes should occur in working hours, wage scales, or other conditions of employment, which changes are a part of the general revision of such conditions [within the producing district where the coal is mined], the parties hereto, upon the request in writing of one to the other within 30 days after the effective date upon which any such change occurs, may redetermine by negotiation the unit price affected: *Provided,* That pending such negotiation the contractor shall continue deliveries hereunder. Any price redetermination as herein provided shall be applicable to all deliveries after the effective date upon which the change occurs permitting redetermination as herein provided.

(e) *Article for use only in long term contracts (six months or more) for the purchase of coal.* [Deleted] See paragraph (d).

* * * * *

[Procurement Reg. 4]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

BONDS AND INSURANCE

Section 81.490 (d) and (e) are amended as follows:

§ 81.490 *Settlement under the War Department insurance rating plan.* * * *

(d) The insurance carriers will be notified to submit simultaneously (1) to the technical service concerned the number of properly completed copies of final settlement forms required by it and (2) directly to the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces one (1) properly completed copy of such settlement form. The technical service concerned will promptly submit to the Contract Insurance Branch any information which it believes to be pertinent to the negotiations for settlement with the insurance carrier. The Contract Insurance Branch will take appropriate action to examine the final settlements, reach agreements with the carriers concerning the adjustment of losses and premiums, and secure Comprehensive Insurance Rating Plan Releases. If no changes are made in the settlement statement as submitted by a carrier, the Contract Insurance Branch will notify the technical service concerned of approval. In the event revised settlement statement is required, the Contract Insurance Branch will secure the necessary properly executed forms from the carrier and forward them to the technical service with the Contract Insurance Branch's approval of the settlement. When advised of approval by the Contract Insurance Branch, the technical service will take appropriate steps to close the account on the basis of the approved statement. The procedure prescribed in this paragraph will be followed on and after 29 April 1944.

(e) All appropriate action will be taken by the Contract Insurance Branch, Special Financial Services Division, Office of the Fiscal Director, Headquarters, Army Service Forces, with respect to the valuation and adjustment of losses and claims.

[Procurement Reg. 6]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In § 81.606 (g) certain items under mandatory schedules are amended.

§ 81.606 *Purchases under contracts of Procurement Division, Treasury Department.* * * *

(g) *Mandatory schedules.* * * *

Description of item	Schedule of supplies	Period
* * *	* *	* *
Automotive storage batteries	17, Supp. No. 2 (Revised)	Mar. 16 to Sept. 15, 1944.
* * *	* *	* *
Floor and window coverings	27	Apr. 1 to Sept. 30, 1944.
* * *	* *	* *
Airplane tires and tubes	83	Apr. 24 to June 30, 1942 (extended to Aug. 31, 1944).
* * *	* *	* *

In § 81.608 paragraph (d) is added:

§ 81.608 *Purchases from Federal Prison Industries Inc., Department of Justice.* * * *

(d) *Attaching clearances to vouchers.* It is to be noted that it is no longer necessary to attach a copy of the clearance to the contract or voucher. It is sufficient to make reference on either the contract or the voucher to Clearance No. C-23445.

[Procurement Reg. 9]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

LABOR

In § 81.917 (b) (14) subdivision (ii) is added as follows:

§ 81.917 *Applicability.* * * *

(b) * * *

(14) (i) The following Article has been added to the aforementioned rulings and interpretations:

ART. 1102 *Toleration for Handicapped Workers.*

* * * * *

(ii) The Administrator of the Wage and Hour and Public Contracts Division has authorized the Vocational Rehabilitation Officers and the Acting Vocational Rehabilitation Officers of the Veterans' Administration to sign and issue temporary certificates authorizing the employment of veterans handicapped by a service incurred disability (as determined by the Veterans' Administration) under any vocational rehabilitation program administered by the Veterans' Administration, at sub-minimum wage rates pursuant to Section 14 of the Fair Labor Standards Act of 1938 and Section 524.14 of Part 524, as amended, of the regulations issued thereunder, and Article 1102, as amended, of Regulations No. 504 issued under Walsh-Healey Public Contracts Act.

* * * * *

In § 81.941 an undesignated paragraph is added at the end of paragraph (a).

§ 81.941 *Furniture industry.* * * *

(a) *Metal furniture branch.* * * *

It has been determined that the manufacture of steel fabric springs for metal folding cots, when to be supplied on government contracts subject to the Public Contracts Act, is covered by the Metal Furniture Branch of the Furniture Manufacturing Industry Minimum wage determination (Cir. Let. No. 4-44, 25 March 1944, Dept. of Labor).

* * * * *

In § 81.9771l paragraphs (i), (j), (m), and (n) are amended as follows:

§ 81.9771l *Functions and jurisdictions of the Salary Stabilization Unit and its regional offices.* * * *

(i) *Conferences.* The head of the regional office having jurisdiction of an application, or any of his legal or technical assistants, may grant a conference to the applicant or his representative when deemed advisable or when requested by the applicant but only after the applicant has complied with the provisions of paragraphs (d), (e), (f) and (h) of this section. At any such conference the applicant may be represented by a responsible officer or a duly authorized regular employee whose salary is not covered by the application. Any other representative must submit a power of attorney authorizing him to represent the applicant on salary stabilization matters and must also submit evidence of enrollment in accordance with the Conference and Practice Requirements of the Bureau, as revised February 1942. If additional facts are brought out at a conference they must be reduced to writing and sworn to as provided in paragraph (h) before they will be considered as a basis for a decision.

(j) *Authority of heads of regional offices.* The head of the regional office having jurisdiction of any application will have authority to approve or disapprove it for the Commissioner, wholly or in part, and his decision shall be deemed to be the Commissioner's determination under § 4001.4 of the general regulations of the Economic Stabilization Director (§ 81.976d of this chapter) (§§ 1002.10 and 1002.11 of the Salary Stabilization Regulations (§§ 81.977m and 81.977n of this chapter)), unless and until modified or reversed as provided in paragraphs (m) and (n) of this section; but any such decision may be set aside by the Commissioner if he finds that it has been arrived at through fraud, collusion, or misrepresentation of a material fact.

* * * * *

(m) *Reconsideration and review of decisions.* (1) If an application is disapproved wholly or in part and the applicant believes that all the facts in the case have not been fully presented and considered, he may submit a request for reconsideration to the head of the regional office having jurisdiction. Every such request shall be submitted in triplicate, shall be executed under oath in the manner provided by paragraph (h) of this section, and shall set forth fully all the additional facts on which the applicant relies. The regional office having jurisdiction will examine every such request and may grant a conference thereon, if deemed advisable or if requested by the applicant, under the conditions set forth in paragraph (i) of this section; but no such conference will be arranged until the regional office has had opportunity to consider the additional facts set forth in the request for reconsideration. On reconsideration the head of the regional office may modify his prior decision if he finds that the facts warrant such action.

(2) An applicant may request that the decision of the head of the regional office be reviewed by the Deputy Commissioner. If the applicant relies on additional facts as the basis for such a review, he shall submit with his request a full statement of such facts in triplicate, duly sworn to as provided in paragraph (h) hereof. If the applicant does not wish to present additional facts as a basis for review, he shall so state in his request for review. If, on examination of any additional facts submitted, the head of the regional office finds grounds for considering the case further, he may proceed as provided in paragraph (n) of this section. Otherwise, he will forward the file promptly to the Deputy Commissioner with a concise statement of the reasons for disapproval or partial disapproval of the application.

(n) *Review of application.* On receipt in the Deputy Commissioner's office, every such request for review will be examined to determine whether or not it makes a prima facie showing of error on the part of the regional office. If in the Deputy Commissioner's judgment it does not do so, the request will be denied. In cases in which a prima facie showing of error has been made, a conference may be granted, if deemed advisable or if requested by the applicant, under the conditions set forth in paragraph (i) of this section; but no such conference will be arranged until the Deputy Commissioner or his representative has had an opportunity to examine the file and determine whether further consideration of the case is warranted.

* * * * *

In § 81.979 paragraphs (a) (2) (iii), (b), (c), (i) (2), (l) (4), (m), (n), (o), and (r) (3) are amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* * * *

(a) *Constitution of regions and regional War Labor Boards.* * * *

(2) * * *

(iii) Representatives of the public, four of whom are to be available for service with the regional war labor board at any given time. There is a chairman and one or more vice-chairmen, designated by the National War Labor Board from among full-time members.

* * * * *

(b) *Procedure in dispute cases not involving wages or salaries.* (1) If the National War Labor Board refers a labor dispute over which it has obtained jurisdiction to a regional war labor board, the regional war labor board to which the

case is referred will be notified and a formal certification, together with all other available data and reports, will be transmitted to it.

(2) Upon receipt of the certification, the case will be considered by a New Case Committee of the regional war labor board, composed of the chairman or vice-chairman, one industry, and one labor member, and the disputes director. The New Case Committee, in determining what action to take, will consult with the regional representative of the Conciliation Service. If the committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the regional representative of the Conciliation Service for further information or further investigation or conciliation. If the case is deemed ready for a hearing, the committee will designate a tripartite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the regional war labor board will designate one of the public panel members or some other suitable person to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(3) If a case is assigned to a panel, the panel shall advise the parties that they may if they so desire, submit their evidence and argument in writing. If the parties mutually agree in writing to such a presentation, the disputes director shall transmit to them any request for information required by the panel and shall advise them of the procedure to be followed in submitting their case. If the parties do not agree to present their case in writing, a public hearing shall be held in accordance with the Rules of Procedure of the National War Labor Board.

(4) Any member of the regional board who in a particular case serves as a hearing officer or on a panel shall be disqualified from participating in any other capacity in any further proceedings in the case.

(5) If the panel's report is unanimous, the regional war labor board will not, save in exceptional cases, hear argument upon the matter but will proceed to a decision. If the report is not unanimous, the regional war labor board may in its discretion hear argument upon the case before reaching a decision.

(6) Any regional war labor board may certify to the National War Labor Board any case, or any question in any case, upon which it desires the National War Labor Board's decision; but the National War Labor Board may in its discretion reject such certification and require the regional war labor board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

(7) At any time before its decision of a dispute case, the regional board may, upon the request of a party or upon its own motion, order a further hearing to be held before the board or a panel for the purpose of receiving evidence not introduced at any prior hearing in the case. The conduct of such hearing shall be governed by the Rules of Procedure of the National War Labor Board.

(c) *Procedure in dispute cases and in arbitration proceedings involving wages or salaries.* The procedure will be the same as in other dispute cases (see paragraph (b) of this section), except as follows:

(1) If an agreement between the parties calling for a wage or salary adjustment is brought about, the conciliator assigned to the dispute or the panel chairman or the hearing officer, as the case may be, will file the agreement directly with the appropriate regional wage stabilization director together with a completed application Form 10, which he will assist the parties in preparing. Conciliators, through the regional representative and panels will be at liberty in all cases to consult the regional wage stabilization director in advance of any settlement regarding the application to the particular situation of the Board's wage stabilization policy.

(2) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, and the arbitrator's award provides for a wage or salary adjustment, a copy of the award, together with all of the information submitted to the arbitrator relating to the wage or salary issue, shall be filed by the arbitrator directly with the regional board at the same time that it is issued to the parties. Arbitrators shall consult the regional wage stabilization director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy.

(3) If an agreement calling for an adjustment has been reached the procedure therefor will be the same as in voluntary wage and salary adjustment cases. If the case has resulted in an arbitration award, the procedure will be that set forth in the Arbitration Policy of the National War Labor Board. A ruling of the National Board approving, modifying, or disapproving the award shall have the same effect, and be subject to the same provisions for stay and review, as similar rulings of the National Board on an application for the approval of a voluntary wage or salary adjustment. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly upon receiving the award or report (and without waiting for the Board's decision) apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief.

* * * * *

(i) *Disposition of applications for approval of wage or salary increases in which the application indicates that no price relief will be sought if approval is granted.* * * *

(2) If the regional wage stabilization director disapproves the application (or approved a lesser increase than that requested), the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the regional war labor board a petition for a review by that board of the action of the regional wage stabilization director. Upon receipt of such a petition the regional board shall rule upon the application on the basis of the entire record of the case and such other information as may be available to it.

* * * * *

(l) *Applications for approval of voluntary wage or salary adjustments.* * * *

(4) Rulings of the Regional Board on voluntary applications for approval of wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made unless two or more public members of the Regional Board who dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall communicate the National Board's action to the Regional Board, and the requested stay shall continue in effect until the case is finally disposed of. If only a specified portion of a ruling is asked to be stayed, as herein provided, the Regional Board may, in its discretion, issue to the parties any other unrelated provisions of the ruling at any time after the ruling made.

(m) *Directive orders in dispute cases.* (1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall be issued to the parties when made. If after the issuance of such an order no timely petition for review is filed (as provided in paragraph (n) of this section), and if the National War Labor Board within such a period does not review the order on its motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms: *Provided,* That the National War Labor Board may at any time prior to the expiration of the time for the filing a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other

provision of the order. If only a part of the order is sought to be reviewed, any party may petition the National War Labor Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

(2) Copies of all directive orders and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(n) *Petitions for review.* Within fourteen days after a regional board mails to a party a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment, or remits to him a directive order in a dispute case, such party to the case may mail to the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order. The petition shall (1) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (2) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (3) state that a copy of the petition has been served upon the other parties to the case and upon the Regional Board whose ruling or order is sought to be reviewed and the dates of each such service. No such petition shall be granted unless the petitioner has demonstrated by substantial proof that (1) the order exceeds the National War Labor Board's justification, or (2) the order contravenes the established policies of the National War Labor Board, or (3) a novel question is involved of such importance as to warrant national action, or (4) the procedure resulting in the order was unfair to the petitioner and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding and upon the Regional Board.

(o) *The answer.* Within fourteen days after a copy of a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail to the National War Labor Board an answer to the petition. An original and four copies of the answer shall be transmitted to the National War Labor Board in Washington, D. C., a copy shall at the same time be served upon the Regional Board and upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of an order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in paragraph (n) of this section. Each answer should state fully but concisely the respondent's reason for believing (1) that the petition ought not to be entertained, and (2) that, if the National War Labor Board decides to entertain the petition, the petition should be denied on the merits. The Regional Board may, within the same period, file comment on the petition with the National War Labor Board, copies of which shall be served upon the parties.

* * * * *

(r) *Reconsideration of directive orders and rulings.* * * *

(3) The Regional Board shall not act on any petition for reconsideration of a directive order or ruling unless (i) the petition is mailed to the Regional Board within fourteen days after the mailing by the Regional Board of the order or ruling in question and sets forth with particularity the the grounds upon which the petition is based, or, (ii) the petition is filed promptly upon the petitioner's discovering material and substantial evidence which the petitioner was unable, despite due diligence, to discover in time to present to the Regional Board before it issued its order or ruling, and sets forth with particularity such evidence, or (iii) the petition is filed promptly upon the occurrence of events after the date of the order or ruling which make the order or ruling harsh or unfair, and set forth with particularity such events. If a petition for reconsideration is filed under subdivision (ii) or (iii) of this subparagraph, and the Regional Board deems that the evidence submitted warrants reconsideration of the directive order or ruling, it shall provide the parties a hearing on such new matters.

* * * * *

Section 81.980d is amended as follows, paragraphs (a) and (b) as previously published having been deleted:

§ 81.980d *General Order No. 4.*

General Order No. 4. (a) Wage adjustments made by employers who, at the time the adjustment is agreed to, or if not made by agreement, at the time it is placed into effect, employ a total of not more than eight individuals in all their plants or units are exempted from the provisions of Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943.

(b) Unless expressly exempted, the exemption granted by this order shall not apply to employers whose employees' wages, hours, or working conditions have been established or negotiated on an industry, association, area, or other similar basis, by a master contract or similar or identical contracts.

The National War Labor Board has, under this paragraph, approved the extension of the exemption provided for in paragraph (a) of this order to:

(1) Employees of barber shops (May 19, 1943).

(2) Employees of beauty shops and the like (May 28, 1943).

(c) The exemption granted by this order shall not apply to an employer who, during any given year following October 3, 1942, in the case of wages, or October 27, 1942, in the case of salaries, has made adjustments affecting eight specific employees.

(d) The Regional War Labor Boards may recommend to the National War Labor Board such exceptions to the provisions of this order as are necessary to effectuate the wage stabilization policies of the National War Labor Board, which exception, if approved by the National War Labor Board, shall, unless otherwise specified, apply only within the territorial jurisdiction of the Regional Board recommending them.

The National War Labor Board, under this paragraph, has approved the following exceptions to the exemption provided for in paragraph (a) of this order:

(1) Tool and die industry (General Order 4–A, October 23, 1942).

(2) Shoe repair industry in California (April 10, 1943).

(3) Tool and die industry in Region I (May 31, 1943).

(4) Logging, sawmill, and planing mill operations in California, Oregon, Washington, Idaho and Western Montana (General Order 4–C, June 26, 1943).

(5) Dental technicians, garage employees, and seed industry workers in Region XII (August 3, 1943).

(6) Cotton-ginning employees in Region VIII (August 17, 1943).

(7) Hotel and restaurant industry in Region X (October 2, 1943).

(8) Retail coal distributors in Region IX (October 29, 1943).

(9) Photo engravers (November 13, 1943).

(10) Schiffli embroidery industry in Region II (November 13, 1943).

(11) Grocery stores and meat markets in Region IX (November 13, 1943).

(12) Operators in the lumber and pulp industry in Region I (January 8, 1944).

(13) Retail lumber establishments in Regions VI, VII, IX, and XII (January 17, 1944).

(14) Retail butcher shops in Louisville, Ky., area, whether exclusively or in conjunction with or as a part of some other retail business (February 5, 1944).

(15) Employers engaged in the business of window cleaning in the Greater Cleveland Area (February 8, 1944).

(16) Employers in the rig-building branch of the petroleum industry in the area where uniform wage brackets have been set as provided in the order of the Board of March 3, 1944 (27 states in mid-continent area, in Regions IV, V, VI, VII, IX, and XI, inclusive).

(17) All employers in Cuyahoga County, Ohio, who are engaged in the business of repairing and/or rebuilding gasoline operated motor vehicles and/or trailers, both bodies and chassis, for others.

(a) *General Order No. 4–A.* [Deleted]

(b) *General Order No. 4–C.* [Deleted]

[Procurement Reg. 12]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

RENEGOTIATION AND PRICE ADJUSTMENT

Section 81.1200 is amended as follows:

§ 81.1200 *Scope of regulation*—(a) *General.* This Procurement Regulation No. 12 deals with policies and contract provisions of all types relating to the adjustment of prices under contracts with the War Department and subcontracts thereunder. Sections 81.1201–81.1214 deal with the contract provisions and procedure for statutory renegotiation under those provisions of the Renegotiation Act pertaining to fiscal years ending after June 30, 1943. Sections 81.1220–81.1247 discuss various optional clauses providing for price adjustment independently of statutory renegotiation.

Sections 81.1250–81.1252 discuss the adjustment of prices under the First War Powers Act in order to adapt contracts to changing conditions and to relieve contractors from hardship. These contract clauses and policies are intended to carry out the general purchase policies stated in Procurement Regulation No. 2. (§ 81.201 et seq.)

(b) *Regulations rescinded.* Temporary Procurement Regulations 10–T and 17–T, issued April 30, 1942 and May 11, 1942, by Headquarters, Army Service Forces, and all directives and instructions relating to contract provisions for revision and renegotiation of contract prices, issued prior to 1 July 1942 have been rescinded (see § 81.104).

STATUTORY RENEGOTIATIONS

Section 81.1201 is amended as follows:

§ 81.1201 *Definitions; scope*—(a) *Definitions.* As used in this Procurement Regulation No. 12, the following terms have the meaning set forth below:

(1) "Renegotiation Act of 1943"; "1943 Act." These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Congress, approved April 28, 1942) as amended by section 701 of the Revenue Act of 1943 (Public Law 235, 78th Congress enacted February 25, 1944) and as effective with respect to fiscal years ending after June 30, 1943.

(2) "Renegotiation Act of 1942"; "1942 Act". These terms mean section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended through July 14, 1943, and as further amended by those provisions of section 701 of the Revenue Act of 1943 which are made effective as if they had been a part of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, on the date of its enactment. (See Public Law 235, 78th Congress, sec. 701 (d).)

(3) "Statutory renegotiation". This term means renegotiation pursuant to the provisions of the Renegotiation Act of 1943.

(4) "Departments". This term means the War, Navy, and Treasury Departments, the Maritime Commission, the War Shipping Administration, the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(5) "Secretary". This term means the Secretary of the War, Navy and Treasury Departments, the Chairman of the Maritime Commission, the Administrator of the War Shipping Administration, and the Boards of Directors of the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(6) "War Contracts Board. This term means the War Contracts Price Adjustment Board established by the Renegotiation Act of 1943.

(b) *Scope.* Sections 81.1201–81.1214 discuss the various aspects of statutory renegotiation, in three parts. Sections 81.1202 to 81.1205 deal with the provisions of the Renegotiation Act of 1943 (paragraph (a) (1) of this section) and the exemptions and exclusions therefrom. Sections 81.1207 to 81.1210 discuss the contract articles for statutory renegotiation and their use. Sections 81.1213 and 81.1214 deal generally with the policies and procedures governing statutory renegotiation. Renegotiation pursuant to the Renegotiation Act of 1942 (paragraph (a) (2) of this section) is not discussed herein. For the text of the 1942 Act and the procedures, policies and interpretations thereunder, reference is made to the Joint Renegotiation Manual and the Army Renegotiation Manual which are applicable to fiscal years ending before 30 June 1943.

Sections 81.1202 to 81.1205 are amended as follows:

§ 81.1202 *Statutory provisions* — (a) *Renegotiation Act of 1943.* For the complete text of the 1943 Act reference is made to the renegotiation regulations to be issued by the War Contracts Board.

(b) *Section 3806 of the Internal Revenue Code.* Section 3806 of the Internal Revenue Code referred to in subsection (c) (2) of the 1943 Act provides that the amount of federal income and excess profits taxes paid or payable with respect to any excessive profits must be credited against the amount of such profits in computing the amount to be refunded by the contractor or subcontractor, or otherwise recovered.

§ 81.1203 *Effect of 1943 Act*—(a) *Coverage.* (1) The 1943 Act applies to all contracts made by the Departments and subcontracts thereunder, with the exceptions stated under paragraph (d) of this section and §§ 81.1204 and 81.1205. With those exceptions the 1943 Act directs the War Contracts Board to renegotiate with every contractor with a Department, and every subcontractor under a contract with a Department, whenever in its opinion the profits received or accrued under such contracts or subcontracts may reflect excessive profits, whether or not the contract or subcontract contains a renegotiation article (subsection (c) (1)).

(2) Subcontracts as defined in the 1943 Act include purchase orders or agreements to perform all or any part of the work, or to make or furnish any article, material, part, assembly, machinery, equipment or other personal property (except office supplies), required for the performance of another contract or subcontract, and any agreements to procure such contracts or subcontracts. Such subcontracts are not limited to those made by the prime contractor but include those made by subcontractors and lower tiers of subcontractors unless specifically exempt (subsection (a) (5)).

(b) *Contract articles.* With certain exceptions discussed under §§ 81.1204 and 81.1205, the 1943 Act requires that each prime contract over $100,000 contain a contract article dealing with renegotiation. (See §§ 81.1207–81.1210 and 81.342.) As stated in paragraph (a) of this section, contracts or subcontracts which do not include a renegotiation article are nevertheless subject to the 1943 Act unless such contracts or subcontracts are expressly excluded.

(c) *Administration of renegotiation.* In connection with the provisions of the 1943 Act relating to its administration and the application of such provisions, reference is made to the renegotiation regulations to be issued by the War Contracts Board and the supplementary instructions issued thereunder.

(d) *Exclusions.* (1) The 1943 Act is inapplicable to any contract or subcontract on which final payment was made before April 28, 1942.

(2) The 1943 Act is inapplicable if the aggregate amount received or accrued by the contractor or subcontractor and all persons under the control of or controlling or under common control with it under contracts with the Departments and subcontracts thereunder during its fiscal year ending after June 30, 1943, will not exceed $25,000 from subcontracts for procuring contracts or subcontracts or $500,000 from all other contracts with the Departments or subcontracts thereunder.

(3) Certain contracts or subcontracts are exempt or may be exempted from the provisions of the 1943 Act under subsection (i) of such act. These exemptions are discussed in §§ 81.1204 and 81.1205.

(e) *Expiration of the act.* Subsection (h) of the 1943 Act provides that it shall apply only to profits from contracts and subcontracts which are attributable to performance prior to the "termination date" of the act. Reference is made to subsection (h) of the 1943 Act and to the renegotiation regulations to be issued by the War Contracts Board for the definition of "termination date" and the determination of the profits which are deemed attributable to performance prior to such date.

§ 81.1204 *Mandatory exemptions from statutory renegotiation*—(a) *Contracts with governmental agencies.* (1) In this paragraph the term "other Government Agency" includes (i) any department, bureau, agency or governmental corporation of the United States, (ii) any territory, possession or state or any agency thereof, and (iii) any foreign government or any agency thereof.

(2) The 1943 Act does not apply to (i) any contract between a Department and any other Government agency; (ii) any contract between a contractor with a Department or a subcontractor thereunder, and any other Government agency; (iii) any contract made by the other Government agency in connection with a contract with one of the Departments, or one of their contractors, or subcontractors, unless the other Government agency is acting merely as an agent for the Department concerned (subsection (i) (1) (A) of the 1943 Act).

(3) Accordingly, no article for statutory renegotiation under the 1943 Act will be included in any such contract or subcontract.

(4) With respect to contracts with War Supplies Limited see § 81.509 (h).

(b) *Contracts and subcontracts for products of natural deposits and timber.*

(1) By subsection (i) (1) (B), the 1943 Act does not apply to

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use.

(2) Contracts hereafter made with the War Department solely for the product of a mine, oil or gas well, or other mineral or natural deposit or timber, should include the standard renegotiation article, if otherwise required, unless it is clear that the product is exempt under this subsection. If the application of this exemption is uncertain, the following provision may be added at the end of the article:

If any regulation issued pursuant to subsection (i) (2) of the Renegotiation Act interprets and applies subsection (i) (1) (B) to exempt from the provisions of said Act, contracts for any product or products covered by this contract, then the contract price for such product or products, if separately stated herein, shall not be subject to renegotiation under this article.

(3) Prior to the enactment of the 1943 Act, precisely the same language now contained in subsection (i) (1) (B) of the 1943 Act was interpreted as set forth in § 81.1290. Such interpretation will serve as a guide as to the inclusion or exclusion of a contract article dealing with statutory renegotiation pending action of the War Contracts Board.

(c) *Contracts and subcontracts for agricultural commodities.* (1) By subsection (i) (1) (C), the 1943 Act does not apply to—

(C) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in the raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to:

(i) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugarcane, and sugar beets;

(ii) natural resins, saps and gums of trees;

(iii) animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream.

(2) Contracts hereafter made with the War Department solely for an agricultural commodity should include the standard renegotiation article, if otherwise required, unless it is clear that the commodity is exempt under this subsection. If the application of this exemption is uncertain, the following provision may be added at the end of the article:

If any regulation issued pursuant to subsection (i) (2) of the Renegotiation Act interprets and applies subsection (i) (1) (C) to exempt from the provisions of said Act, contracts for any product or products covered by this contract, then the contract price for such product or products, if separately stated herein, shall not be subject to renegotiation under this article.

(d) *Contracts and subcontracts with certain religious, charitable and educational organizations.* (1) Subsection (i) (1) (D) provides that the 1943 Act shall not apply to

(D) Any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code.

(2) Contracts hereafter made by the War Department with any charitable, religious or educational organization should include the standard renegotiation article, if otherwise required. If the contracting organization claims the benefit of this exemption, the following provision may be added at the end of the article:

This article shall be inapplicable if it is determined that the Contractor is exempt from the provisions of the Renegotiation Act by reason of subsection (i) (1) (D) of said Act.

(e) *Construction contracts awarded as a result of competitive bidding.* (1) By subsection (i) (1) (E), the 1943 Act does not apply to—

(E) Any contract with a Department, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility.

(2) This exemption applies to any contract for the construction of a building, structure, improvement, or similar facility, if such contract was entered into after advertisement and was awarded to the lowest qualified bidder of two or more independent and qualified contractors who competed for the contract.

(3) Accordingly, no renegotiation article will be inserted in any construction contract which meets the conditions set forth in subparagraph (2) of this paragraph. If the application of this exemption is uncertain, the renegotiation article should be inserted in the contract although the following provisions may be added:

If by regulation issued pursuant to subsection (i) (2) of the Renegotiation Act, subsection (i) (1) (E) is interpreted and applied to exempt this contract from the provisions of said Act, then the contract price stated herein shall not be subject to renegotiation under this article.

(f) *Subcontracts under exempt contracts or subcontracts.* (1) Subsection (i) (1) (F) provides that the 1943 Act shall not apply to—

(F) any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

(2) Accordingly, it is not necessary to insert in a contract or subcontract which is exempt by reason of subsection (i) (1) of the 1943 Act (paragraphs (a) to (e) inclusive) a provision requiring a renegotiation article to be inserted in subcontracts made thereunder.

(3) If a renegotiation article is inserted in a contract or subcontract and the application of subsection (i) (1) to such contract or subcontract is uncertain, the renegotiation article, if otherwise required, should be inserted by the contractor or subcontractor in all subcontracts made by him. However, the provisions set forth in § 81.1209 may be added at the end of the article.

(g) *Subcontracts for office supplies.* The refinition of "subcontract" contained in subsection (a) (5) (A) of the 1943 Act specifically excludes therefrom subcontracts for office supplies.

(h) *Interpretation and application of mandatory exemptions.* Subsection (i) (2) of the 1943 Act provides that the War Contracts Board is authorized to interpret and apply the exemptions discussed in paragraphs (a), (b), (c), (e) and (f) of this section with respect to fiscal years ending after June 30, 1943.

§ 81.1205 *Discretionary power to exempt certain contracts and subcontracts*—(a) *Statutory provisions.* Subsection (i) (4) of the 1943 Act provides that the War Contracts Board, in its discretion, may exempt from some or all of the provisions of such Act individually or by general classes or types:

(1) Any contract or subcontract to be performed outside the United States or in Alaska;

(2) Any contracts or subcontracts, the profits from which can be determined with reasonable certainty when the contract price is established;

(3) Any contract or subcontract to the extent that the contract provisions are otherwise adequate to prevent excessive profits;

(4) Any contract or subcontract for a standard commercial article if competitive conditions with respect to the making of such contract or subcontract will reasonably protect the Government against excessive prices. The term "standard commercial article" is defined by subsection (a) (7) of the 1943 Act;

(5) Any contract or subcontract if there is effective competition with respect to the contract or subcontract price;

(6) Any subcontract or group of subcontracts if it is not administratively feasible to segregate the profits attributable to the subcontract or group of subcontracts from profits on business not subject to renegotiation.

(b) *Discretionary power to exempt certain contracts and subcontracts by general classes or types.* The authority to exempt by general classes or types contracts and subcontracts of the kind described in subsection (i) (4) of the 1943 Act is vested in the War Contracts Board and has not been delegated by it.

(c) *Discretionary power to exempt certain individual contracts or subcontracts.* (1) The Director, Purchases Division, Headquarters, Army Service Forces, may exempt from statutory renegotiation any individual contract or subcontract of the types specified in paragraph (a) of this section in connection with the placement of such contract or subcontract or any amendment or revision thereof.

(2) The chief of a technical service may exempt any such individual contract or subcontract from statutory renegotiation only where express authority to do so is granted (i) by the provisions of Procurement Regulations (see e. g. paragraphs (d) (1), (e), (f), (h) of this section), or (ii) by special delegation from the Director, Purchases Division, Headquarters, Army Service Forces. Except as otherwise provided in these regulations or by any such special delegation of authority, the chief of the tech-

nical service may not redelegate any such authority to exempt individual contracts or subcontracts from renegotiation to officers or civilian employees of the War Department under his directoin unless (iii) he prescribes standards for the exercise of the authority or discretion so redelegated and (iv) such standards and redelegations are approved in writing by the Director, Purchases Division, Headquarters, Army Service Forces.

(3) When an individual contract is to be exempted from renegotiation pursuant (i) to subparagraphs (1) and (2) above or other provisions of Procurement Regulations, or (ii) to any special delegation of authority, the renegotiation article (Form II) described in § 81.342 (b) will be used in the contract so exempted, unless all subcontracts thereunder have also been so exempted. Each contract or subcontract so exempted must contain an explicit statement to that effect and also a statement showing the extent of the exemption, by whom it was granted and the provision of the 1943 Act upon which it is based, with appropriate findings of the existence of facts necessary to support the exemption.

(4) When a prime contract is exempted from renegotiation the statement in the contract as to the exemption will contain a statement whether or not and to what extent subcontracts thereunder are to be exempted from renegotiation.

(5) A written report of each exemption granted will be made to the Director, Renegotiation Division, Headquarters, Army Service Forces (through the Director, Purchases Division) giving:

(i) The name of the contractor or subcontractor;

(ii) The number and date of the contract or subcontract;

(iii) The contract price;

(iv) The nature of the work, supplies, or other items furnished under the contract or subcontract.

(d) *Contracts and subcontracts outside of the United States.* (1) The chief of a technical service is authorized, in his discretion, to exempt from some or all of the provisions of the 1943 Act any individual contract with his technical service, or any subcontract thereunder, which is to be performed outside of the territorial limits of the continental United States, or in Alaska. This authority applies to contracts and subcontracts heretofore or hereafter made or performed.

(2) Circular No. 43, War Department, 1943, delegated to each commanding general outside of the United States or in Alaska, like authority with respect to contracts made or administered under his authority, and subcontracts thereunder.

(3) When a contract is exempted under this paragraph, Form II (§ 81.342 (b)), will be inserted in it, unless all subcontracts thereunder have also been exempted.

(e) *Patent licenses.* (1) The chief of a technical service may exempt from some or all of the provisions of the Renegotiation Act of 1943 any individual contract or subcontract granting a license under a patent or patent application or transferring a patent or patent application to the Government, or to a contractor or subcontractor, if the aggregate royalty payable under the contract or subcontract for its duration or for any stated period is either (i) a fixed amount determinable at the time of the execution of the contract, or (ii) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor or subcontractor.

(2) No renegotiation article will be included in any contract exempted pursuant to this paragraph. (See, however, paragraph (c) (3)) (See also § 81.112).

(f) *Exemption from renegotiation in connection with periodic adjustment of prices.* Sections 81.1240 to 81.1247 of this Procurement Regulation No. 12 authorize the use under certain conditions of contract articles providing for periodic readjustment of price and corresponding exemption from renegotiation. Where these contract articles are used, the contracting officer in charge of the individual contract is authorized in his discretion, in connection with the placement of such contract or any amendment or revision thereof, to grant exemption from renegotiation in accordance with the contract provisions and the related Procurement Regulations.

(g) *Exemption of short-term, fixed price contracts from renegotiation.* (1) With the written approval of the Director, Purchases Division, Headquarters, Army Service Forces, any individual contract or the subcontracts thereunder or any individual subcontract which meets the following conditions may be exempted by the contracting officer from statutory renegotiation in connection with the placement of such contract.

(i) The contract or subcontract fixes the price and contains no provision for price adjustment except provisions for equitable adjustment of the price in case of changes in specifications, deliveries, rate of production, or increased expenses resulting from allocations or other Government action (see § 81.351);

(ii) The contract or subcontract provides for full performance within six months or less;

(iii) The contractor or subcontractor has had previous experience in producing the same or substantially similar articles;

(iv) The total costs of performance of the contract or subcontract can be determined with reasonable certainty at the time the contract or subcontract is made;

(v) The price contains substantially no allowance or charges for contingencies, and any remaining allowances or charges for contingencies are segregated, identified and explained;

(vi) The price is fair and reasonable in the circumstances of the particular procurement; and

(vii) The estimated profit and margin of profit are relatively low.

(2) Every request for the approval of an exemption shall contain

(i) An opinion that the contractor's or subcontractor's cost accounting system is adequate for the purpose of meeting the requirements of the exemption, such opinion to be given by a qualified representative of the technical service submitting the request;

(ii) An analysis of past and prospective costs sufficient to show that the particular contract or subcontract meets the requirements specified in subparagraph (1) of this paragraph, and

(iii) An adequate showing that all the other conditions set forth in subparagraph (1) are satisfied.

(h) *Exemptions of individual contracts within stated classifications where profits can be determined with reasonable certainty when the contract price is established.* (1) In connection with the placement, revision or amendment of any contract or subcontract falling within a classification set forth below, the chief of each technical service is authorized to exempt from statutory renegotiation (pursuant to section (i) (4) of the 1943 Act) any individual contract falling within such classification or the subcontracts thereunder or any individual subcontract falling within such classifications:

(i) Purchase or lease of property and leases: Contracts and subcontracts for the purchase or lease of any interest in real property.

(ii) Public utility contracts: Contracts (but not subcontracts) with public utilities to furnish gas or electric energy, involving an estimated expenditure not in excess of $50,000 in any one fiscal year, or with common carriers to furnish transportation (regardless of the amount involved) when made in either case at published rates or charges, fixed, approved or subject to regulation by a public regulatory body; and contracts and subcontracts for commodities, the minimum price for the sale of which has been fixed by a public regulatory body.

(iii) Foods: Contracts and subcontracts for such types of foods as the Quartermaster General may from time to time determine to be perishable (see § 81.1291).

(iv) Clothing and equipage: Contracts and subcontracts for clothing and equipage, including footwear.

(v) Textiles or textile products: Contracts and subcontracts for textiles or textile products.

(2) Such an exemption will be granted only where the chief of the technical service is of the opinion in the individual case, in the light of the circumstances then known to him:

(i) That the profits to be derived from any such contract or subcontract can be determined with reasonable certainty when the contract price is established;

(ii) That negotiations fixing the price under any contract or subcontract to be exempted have taken place or will take place in general consistently with the pricing principles set forth in Army Service Manual M–601 (if and so far as applicable); and

(iii) That the price set or to be set is fair and reasonable.

(3) Except as stated in the next sentence of this subparagraph (3), any redelegation, or authorization of successive redelegations, by the chief of a technical service of the authority given under sub-

paragraphs (1) and (2) above to grant exemption with respect to individual contracts and subcontracts thereunder or with respect to individual subcontracts is subject to the provisions of paragraph (c) (2) of this section. The authority to grant exemption with respect to individual contracts and subcontracts thereunder and with respect to individual subcontracts for perishable foods, clothing and equipage, or textile products (see subparagraphs (1) (i), (1) (iv), and (1) (v) above) may be redelegated with authorization of successive redelegations, without the approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(4) Attention is directed to the fact that this paragraph (h) does not authorize the chief of any technical service to exempt all contracts of the types listed herein as a class or by groups. It merely authorizes the exemption of individual contracts and the subcontracts thereunder or individual subcontracts falling within the above mentioned classifications. The provisions of the memorandum formerly quoted in § 81.1204 (h) (as amended 12 November 1943) are no longer in effect.

Section 81.1213 is amended as follows:

§ 81.1213 *Administration of statutory renegotiation*—(a) *Agencies responsible.* Statutory renegotiation under the 1942 and 1943 Acts, and under contract provisions inserted pursuant to such Acts, is conducted by the War Contracts Board, Price Adjustment Boards or Price Adjustment Sections and not by contracting officers.

(b) *Procedure and principles.* The procedure and principles to be followed in renegotiation pursuant to the 1943 Act, pertaining to fiscal years ending after June 30, 1943, are prescribed by the War Contracts Board and the Chairman, War Department Price Adjustment Board and will be published respectively as "Renegotiation Regulations"[1] and "Army Renegotiation Manual, Part II".

Section 81.1214 is amended as follows:

§ 81.1214 *Effect of statutory renegotiation on price adjustments by contracting officers*—(a) *Restrictions during and after statutory renegotiation.* While renegotiation pursuant to the 1943 Act is in progress or after it has been concluded with respect to a fiscal period of a contractor, contracting officers will not accept or seek price reductions or refunds in lieu thereof, which will affect the sales or earnings of the contractor for such fiscal period without the prior consent of the Price Adjustment Board or section which is conducting or has conducted such statutory renegotiation.

(b) *Inquiry by contracting officers regarding statutory renegotiation.* Before accepting price reductions or refunds in lieu thereof and before initiating or continuing negotiations seeking reductions or refunds from a contractor, and at reasonable intervals during the continuance of such negotiations, contracting officers will make inquiry of the contractor or of the Price Adjustment Board or Section to whom the contractor is assigned for statutory renegotiation to determine whether such renegotiation is in progress or has been concluded with respect to the fiscal period of the contractor which will be affected by the reductions or refunds proposed.

(c) *When statutory renegotiation is in progress.* Statutory renegotiation shall be deemed to be in progress for a fiscal period of a contractor upon the mailing of the notice of time and place of a conference to be held with respect thereto as required by subsection (c) (1) of the 1943 Act.

(d) *Price adjustments not restricted.* Nothing herein contained shall preclude a contracting officer from at any time:

(1) Proposing and arranging adjustments in prices or fees in individual contracts containing express provision for redetermination or renegotiation of prices or fees, other than a provision for statutory renegotiation, or

(2) Making price adjustments to compensate for changes made by the Government in specifications, design, quantities to be delivered, delivery schedules, or similar matters, or

(3) Accepting the benefit of the price reductions resulting from maximum price regulations of the Office of Price Administration or orders of other Government price fixing agencies, or

(4) Negotiating with respect to the prices to be included in new contracts in connection with the making thereof, or

(5) Proposing and arranging price reductions or refunds in lieu thereof which will not affect the sales or earnings of the contractor for any fiscal period for which statutory renegotiation is in progress or has been previously concluded.

(e) *Provision in supplemental agreements making price adjustment.* The contract price as renegotiated or redetermined by the contracting officer or as voluntarily reduced will still be subject to statutory renegotiation under the 1943 Act and any contract article pursuant thereto. The supplemental agreement or other instrument affecting the adjustment in price or fixed-fee will therefore include a provision substantially as follows:

> The adjustment hereby made in the contract price is without prejudice to the determination of any excessive profits of the contractor upon subsequent renegotiation under the Renegotiation Act, or any contract article inserted pursuant to that Act.

In § 81.1232 paragraph (d) is amended:

§ 81.1232 *Escalation.* * * *

(d) *Escalation in relation to OPA ceiling prices; lumber, coal, steel and gasoline.* Escalation in relation to OPA ceiling prices is not permitted, except that escalation articles may be included in contracts for the purchase of certain basic commodities to the extent and in the form set forth in § 81.351 (d) (lumber; coal; basic steel products on Schedule I of CMP Regulation 1, as amended from time to time), and § 81.351 (f) (gasoline and fuel oils).

Section 81.1240 is amended:

§ 81.1240 *Articles authorized.* Alternative contract articles providing for periodic readjustment of the contract price, and for exemption from statutory renegotiation under the Renegotiation Act under certain conditions, are set forth in paragraphs (a) and (b) of § 81.360, (Form II). These articles are approved for use in lump sum or fixed price contracts in accordance with this section. Except as expressly authorized in this section or subsequent instructions, deviations from the standard articles will not be used.

Section 81.1241 is amended:

§ 81.1241 *Effect of articles.* Both articles divide performance under the contract into specified periods for the purpose of adjusting the contract price. Under paragraph (a) of § 81.360 the original contract price is exempt from statutory renegotiation for the first period of performance, but under paragraph (b) of § 81.360 the price for the first period will be adjusted at the end of that period and appropriate credit or refund made, and this adjusted price may be exempted from statutory renegotiation by the contracting officer, as hereafter described. Under both aticles the contracting officer and contractor will negotiate at the end of each period on the basis of cost experience and other data, and the contracting officer, at his discretion, may exempt the price so fixed from statutory renegotiation, if he believes that the cost data are sufficiently accurate and that the price is fair to the Government and will not result in excessive profits to the contractor.

In § 81.1251 (a) subparagraphs (2) and (3) are amended:

§ 81.1251 *Amendments with consideration*—(a) *Price adjustment upward.* * * *

(2) Whenever the amendment restricts or modifies the right of the contractor to perform the contract as he sees fit or on the basis most advantageous to him. Examples are cases where a contractor, who is not bound to do so by his existing contract, agrees to use particular methods of manufacture, substitute materials, specified or costlier sources of supply or subcontractors, or other specified methods or devices to conform with Government policy. (See, for example, paragraph (f) of § 81.225).

(3) Wherever the amendment modifies the volume or rate of production so as to affect adversely the contractor's cost (see, for example, §§ 81.227 and 81.307).

* * * * *

APPENDIX

Sections 81.1290, 81.1291 and 81.1292 are superseded by the following §§ 81.1290 and 81.1291.

§ 81.1290 *Joint regulation interpreting and applying subsection (i) (1) (ii) of section 403, the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 801 of the Revenue Act of 1942.* The following interpretation of section (i) (1) (ii) of the

[1] For "Renegotiation Regulations" see Chapter XIV, Title 32, 9 F.R. 4135.

1942 Act is herewith republished because until further action of the War Contracts Board (see § 81.1201 (a)) this ruling furnishes a general guide to the types of items, contracts for the purpose of which are exempt from renegotiation in accordance with § 81.1204 (b) (see especially subparagraph (3) thereof). It is emphasized that the foregoing list is merely a general guide to whether certain contracts for products of natural deposits and timber are excluded from the application of the 1943 Act pursuant to subsection (i) (1) (B) of that Act. Definitive and final interpretations of such subsection (i) (1) (B) will be made by the War Contracts Board.

1. The term "exempted product", as used in this regulation, shall mean any of the following products:

Aggregates consisting of washed or screened sand, gravel or crushed stone.

Aluminum ingots and pigs; alumina; calcinated or dried bauxite; crude bauxite.

Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide.

Arsenic powder; arsenious oxide (white arsenic).

Asbestos fibre.

Bismuth.

Cement.

Chromium ore and ferrochrome not processed beyond the form or state suitable for use as an alloy or refractory in the manufacture of steel; bichromates; chromic acid.

China clay; kaolin clay; fire clay; brick and tile made from clays other than kaolin, china or fire clay.

Coal, prepared; run of mine coal.

Copper ore, crude; copper ore, concentrated; copper billets, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.

Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.

Crude iron ore; pig iron.

Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.

Gypsum, crude; calcined gypsum.

Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.

Lime.

Magnesite; dead burned magnesite.

Metallic magnesium pigs and ingots.

Manganese ore; ferromanganese; silicomanganese.

Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.

Phosphate rock; superphosphate.

Ferromolybdenum; calcium molybdate; molybdenum oxide.

Rock salt; common salt of all grades.

Refined silver bars, shot, powder and grains.

Stone, rough dimension.

Sulphur, crude.

Refined pig tin.

Standing timber, logs, logs sawed into lengths, and logs with or without bark.

Tungsten ore and concentrates; ferrotungsten; tungsten powder.

Vanadium ore and concentrates; ferrovanadium; vanadium pentoxide.

Zinc anodes, balls, oxides, powder and slabs.

2. Subsection (i) (1) (ii) of section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, is interpreted to mean that each of the exempted products is "the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined or treated beyond the first form or state suitable for industrial use". The provisions of said Section 403, as amended, shall not apply to contracts or subcontracts for the exempted products.

3. In cases where a contractor or subcontractor (a) processes, refines or treats a product to bring it up to the form or state of an exempted product and, (b) further refines, processes or treats such exempted product beyond the first form or state suitable for industrial use in order to perform his contract or subcontract, then in such cases the exempted product in its first form or state suitable for industrial use shall be considered, for the purposes of renegotiation, under Section 403, as amended, as an item of cost at its established sale or market price.

4. This regulation may be amended from time to time, revising the list of exempted products contained in paragraph 1 of this regulation.

February 1, 1943.

(Signed) ROBERT P. PATTERSON,
Robert P. Patterson,
Under Secretary of War.

(Signed) FORRESTAL,
James Forrestal,
Under Secretary of the Navy.

(Signed) CLIFTON E. MACK,
Clifton E. Mack,
Director of Procurement,
Treasury Department.

(Signed) EMORY S. LAND,
Emory S. Land,
Chairman, Maritime Commission.

§ 81.1291 *Determination by the Quartermaster General of perishable commodities.* The following is the full text of a memorandum issued by The Quartermaster General under date of 13 April 1944.

1. Pursuant to the authority conferred upon me by paragraph 1205.8[1] of Procurement Regulations concerning the exemption of individual contracts and subcontracts for certain types of perishable foods from renegotiation under the Renegotiation Act (referred to in the Procurement Regulations as the 1943 Act), it is hereby determined that the foods enumerated on the list attached hereto and designated as Exhibit "A" [see paragraph 1291.1][2] are perishable.

2. This memorandum shall become effective upon publication in the Procurement Regulations.

(S) E. B. GREGORY,
E. B. Gregory,
Major General,
The Quartermaster General.

(a) *Exhibit "A".* The following is a list of foods, individual contracts and subcontracts for the purchase of which may be exempted from statutory renegotiation pursuant to paragraph (h) of § 81.1205 of Procurement Regulations under the conditions therein stated:

Fresh fruits. Apples, apricots, bananas, berries (blue and black), cantaloupes, cherries, cranberries, grapes, grapefruit, honeydew melons, lemons, limes, oranges, pears, peaches, plums, strawberries, tangerines, watermelons, and other miscellaneous fresh fruits.

Fresh vegetables. Asparagus, beans, lima; beans, string; beets, broccoli, cauliflower, corn, cucumbers, egg plant, endive (chicory), greens (collards, etc.), kale, lettuce, onions, green; onions, dry; parsley, parsnips, peas, peppers, green; potatoes, Irish; potatoes, sweet; radishes, spinach, squash, tomatoes, turnips and rutabagas, mushrooms, rhubarb, and other miscellaneous fresh vegetables.

Dairy products. Butter (except canned), cheese (except processed canned), ice cream, fresh fluid milk, and fresh fluid cream.

Poultry. Chicken (except canned), turkey (except canned), and other poultry (except canned).

Meats. Beef (except canned and dehydrated), pork (except canned and dehydrated), lamb and mutton (except canned and dehydrated), veal (except canned and dehydrated), smoked or processed meats (except canned and dehydrated), other meats (except canned and dehydrated), lard and lard substitutes and offals (except canned and dehydrated).

Fish and sea foods. Fresh or frozen, and salted or smoked (except canned).

Frozen vegetables.

Frozen fruits.

Bread and other bakery products (except biscuits, crackers, cracker meal, breakfast cereals, hard bread and zwieback).

Potato chips.

Compressed yeast.

Shell eggs.

Margarine.

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[1] § 81.1205 (h) of this chapter.

[2] § 81.1291 (a) of this chapter.

[Procurement Reg. 15]

PART 88—TERMINATION OF CONTRACTS

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

Section 88.15–488 is added:

§ 88.15–488 *Infraction of C. M. P. regulations.* The War Production Board polices C. M. P. regulations and may impose applicable penalties for deliberate infractions, but it does not look for enforcement of such regulations to the contracting officers charged with settling terminated contracts. Contracting officers, therefore, may reach a decision, in accordance with the principles set forth in this Procurement Regulation 15, as to the materials allocable to a contract in process of termination, without deciding whether such materials are in excess of any amount permitted by C. M. P. regulations of the War Production Board.

REMOVAL OF PROPERTY FROM CONTRACTORS' PLANTS UPON TERMINATION AT THE OPTION OR FOR THE CONVENIENCE OF THE GOVERNMENT

Sections 88.15–850 to 88.15–868, inclusive, are added as follows:

§ 88.15–850 *Introductory.* (a) §§ 88.15–850 to 88.15–868 incorporate government policies which have been made effective with respect to the prompt removal and disposition of property from the plants of contractors upon termination of their contracts. They also contain instructions with respect to procedures to be followed in carrying out these policies pending final development of regulations with the Surplus War Property Administrator. The instructions apply generally in the case of all terminated fixed-price supply contracts and are designed primarily to implement the prescribed policy for prompt clearance of a contractor's plant prior to final settlement.

(b) In addition, certain instructions have been included with reference to the application of the policy and procedures to the removal of property from the plants of fixed-price subcontractors under terminated fixed-price or cost-plus-a-fixed-fee prime supply contracts (§ 88.15–864) and with reefrence to the removal of property from plants of cost-plus-a-fixed-fee prime or subcontractors (§ 88.15–867).

(c) Special instructions have also been prescribed with reference (1) to the removal or storage of property which is to be taken over at the time of the execution of the final settlement agreement and (2) to the certification of final payment vouchers insofar as property which has been removed or stored is concerned (§§ 88.15–865—88.15–866).

(d) The provisions of these sections are not applicable to government-owned facilities (§ 88.15–868).

(e) These sections do not cover the handling in the final settlement agreement of property which for any reason cannot be removed or stored with the contractor at the time of the execution of that agreement.

GENERAL POLICIES AND PROCEDURES WITH RESPECT TO FIXED-PRICE PRIME CONTRACTS

§ 88.15–851 *Government policy on prompt plant clearance.* The report of Messrs. Baruch and Hancock on war and post-war adjustment policies released by the Office of War Mobilization on 15 February 1944, recommends the prompt clearance of property from contractors' plants not later than sixty days after the filing of inventory lists. The report also incorporates a statement of the policy of the Joint Contract Termination Board as to removal and disposition of property from the plants of contractors in connection with termination of their contracts, in which it is provided that:

(a) As soon as possible after receipt of notice of termination of any contract, the contractor should submit partial or complete inventory lists of property furnished by the government or to which the government is entitled and which is no longer required for the performance of the contract;

(b) The contractor may, unless the contract otherwise provides, at any time after receipt of notice of termination, remove such property and store it at his own risk, and the government with his consent may remove and dispose of any such property prior to final settlement;

(c) The portion of this property not disposed of within sixty days after delivery by the contractor of such an inventory list, upon demand of the contractor and unless the contract otherwise provides, be removed from his premises by the procuring agency unless it may have previously determined that such property is not chargeable to the government or does not belong to the government; and

(d) Any such property not so removed upon demand may be stored by the contractor at the expense and risk of the procuring agency either on his premises or, if he determines that space is not available for that purpose, then elsewhere, provided in either case the contractor takes reasonable precautions for the protection of the property and notifies the procuring agency of the action.

These policies have been made effective, and, pending development of regulations with the Surplus War Property Administrator, the instructions set forth in these §§ 88.15–850 to 88.15–868 will be observed by the technical services in handling the removal and disposition of property involved in the terminated portions of War Department fixed-price supply contracts, whether the property is owned by the contractor and claimed by him to be allocable to the terminated contract, or has been furnished to him by the government. Where it is determined prior to final settlement that the government has removed or disposed of property which is not allocable to the terminated portion of the contract, then the government in arriving at the amount of the final settlement will take into account either the disposal value of the property at the time of removal or the proceeds realized from the disposal of the property, or will return the property to the contractor at government expense, all at the election of the government; and after final settlement the contractor will have no claim against the government by reason of any such removal or disposition.

§ 88.15–852 *Prompt disposition of property.* In order to make the property available for other production use at the earliest possible moment after termination, contractors and contracting officers upon termination and without waiting for the expiration of the sixty-day period (see § 88.15–851 (c)) will make every effort to dispose of the property with reasonable dispatch and as advantageously as is reasonably possible. This policy with respect to prompt disposition of property upon termination to or through contractors, as set forth in §§ 88.15–350 to 88.15–376 of this Procurement Regulation 15, will continue in full force and effect and is to be vigorously pursued. The prompt disposition of certain items of property may be important either to the contractor or the government. To expedite disposition in such cases, contractors should be encouraged to submit promptly after receipt of termination notice inventory lists (see § 88.15–856) of that portion of the inventory to be disposed of and without waiting to obtain more complete information than that necessary to meet the minimum requirements for property disposition.

§ 88.15–853 *Removal of property upon demand of the contractor.* Property not disposed of as provided in the preceding section within sixty days after it is first reported on an inventory list, will, upon demand of the contractor accompanied by tender of title (see § 88.15–863) and inventory lists (see § 88.15–856) and unless the contract otherwise provides, be promptly removed or a storage agreement entered into with him. Wherever this is not accomplished, the chief of the technical service concerned will promptly notify the Director, Readjustment Division, Headquarters, Army Service Forces, of the circumstances.

§ 88.15–854 *Arrangements for storage of property.* Property taken over from contractors and not otherwise disposed of may be stored (a) with the contractors concerned under a storage agreement entered into by the technical service terminating the contract; (b) in government-owned or leased installations available, or which are made available, to the technical services for storage purposes; (c) in commercial warehouses or other storage space under contracts to be negotiated by the technical service terminating the contract; or (d) in premises leased for storage purposes under current regulations. It is recognized that available warehouse space is wholly insufficient to store the large volume of property which may be involved in contract termination, and that appropriate contractual arrangements in most cases will have to be made for the storage of such property by the contractors whose contracts are terminated. The technical services are authorized to enter into contracts for the storage of property with such contractors, and where this cannot be accomplished and suitable government-owned or leased installations are not available, they are authorized to enter into contracts for commercial warehouse services. Any contract involving the acquisition of an interest in real estate will be executed by the Division Engineer in accordance with existing regulations. At Regional Quartermaster and Army Service Forces Depots there are commercial warehouse officers who are familiar with available storage space, prevailing storage rates in various areas and commercial warehousing practices. These officers will be available for advice on all storage matters and the technical services will consult with them before entering into service contracts with commercial warehouses solely for the purpose of storage, provided that such action will not unduly delay clearance of the contractor's plant. The Storage Branch, Storage and Distribution Division, Office of the Quartermaster General, Washington, D. C., will furnish the name and address of any or all of the commercial warehouse officers upon request. Both the contracts executed with contractors and those for warehouse services will be financed from funds available to the technical services concerned. To the extent, if any, that the provisions thereof are in conflict with ASF Circulars No. 65 (section VIII) and No. 71 (section III), 1944, the provisions hereof shall govern. Open storage will be utilized wherever consistent with the proper care and preservation of the property. Transportation and drayage costs will be kept to a minimum.

§ 88.15–855 *Scrap determination prior to removal.* To preclude unwarranted record keeping and physical handling of property, it is imperative that a determination be made prior to the removal of the property from the contractor's plant as to whether it is scrap and if so, the property should be classified as scrap and handled accordingly.

§ 88.15–856 *Inventory lists to be submitted by contractors.* (a) In addition to the inventory lists submitted in the first instance after receipt of notice of termination (see paragraph (a) in § 88.15–851), the contractor will be required to submit with his demand for removal inventory lists of the property requested to be removed. Each of these inventory lists, including those referred to in paragraph (a) in § 88.15–851, will be prepared on Inventory Schedules Num-

bers C–1, C–2, and C–3 (Forms, W. D., A. G. O. 247, 248 and 249) and will be certified as prescribed thereon adding to the certificate, in the case of lists submitted with the demand for removal, a statement that the property listed is on hand on the date thereof. In order to avoid unnecessary duplication of work, contractors should be encouraged to prepare these forms in as many copies as is anticipated will be needed by both the government and themselves in the termination proceedings.

(b) The contracting officer will require the contractor to submit with his demand for removal as many copies of the inventory lists as is anticipated will be needed to meet reasonable government requirements. As a minimum, five copies of the lists will normally be required for property disposition and property accounting purposes. The contracting officer will retain one copy for filing in the War Department's permanent file relating to the contract termination settlement and will furnish the other four copies to the designated accountable property officer for use as follows: One copy for use by government personnel in checking the accuracy of the lists and for filing in the accountable property officer's jacket file (see § 88.15–858 (a)); where required, one copy to be receipted in accordance with the provisions of § 88.15–860 (b) and returned to the contractor for retention by him; and two copies for forwarding to the appropriate government agencies charged with disposal of property.

(c) Where several contracts with the same contractor are grouped for termination settlement purposes, the inventory lists need not segregate contractor-owned property by contracts, but only by locations.

§ 88.15–857 *Accountable property officers.* (a) Subject to such procedures as the chiefs of the technical services may prescribe for purposes of uniformity, commanding officers of procurement districts or similar agencies terminating contracts will designate accountable property officers to be charged with the assumption and maintenance of accountability as herein prescribed for the property under such terminated contracts, provided that in any event:

(1) Accountable property officers so designated must be stationed at the same location where other records with respect to the termination settlement are maintained, and

(2) If such a designation results in the activation of a new property account, a copy of the pertinent order will be sent to the Fiscal Director of the service command in which the new account is located.

(b) Neither accountable property officers nor contracting officers have responsibility, within the meaning of Army Regulations, for property in the possession of contractors or commercial warehousemen.

§ 88.15–858 *Property accounting records.* (a) Except for government property furnished to the contractor under a War Department contract and for which accountability has previously been established, accountability for all property taken over from the contractor or stored with him pursuant to an agreement will be established in the first instance by the accountable property officer designated in accordance with the provisions of § 88.15–857 (a). Accountable property officers involved are authorized to establish and maintain "jacket file accountability". Under this system a file will be established for each terminated contract, or group of contracts where they are so treated (see paragraph (c) of § 88.15–856, and in it will be included all documents pertaining to the assumption of and relief from accountability. Such files will be controlled by the contract number(s) to which they relate. Accountable documents pertaining to terminated contracts will be assigned property voucher numbers and recorded in a voucher register as prescribed in AR 35–6700. In those cases where an accountable property officer who is presently maintaining a property account is also charged with the duty of establishing and maintaining accountability for property under terminated contracts, accountable documents relating to the terminated contracts will be included in the established series of property voucher numbers for the account and will in each case bear reference to the terminated contract number(s) prefixed by the letter "T" or other appropriate symbol to clearly establish that the document pertains to termination transactions. This information will also be shown in the voucher register.

(b) In lieu of establishing individual stock record cards for each item of the inventory lists, accountable property officers are authorized to use their copy of the lists as work sheets for the purpose of reflecting the ultimate disposition of property. Under this procedure as an item is disposed of, the quantity involved together with the assigned credit voucher number of the document covering the disposition will be entered opposite the particular item on the list. Where numerous transactions with respect to a given item are involved, auxiliary records (stock record cards or other suitable forms) will be established or disposition will be recorded on the lists in a manner which will provide an accurate and complete record of disposition of the original balance of the item involved.

(c) At War Department storage installations receiving property from contractors' plants, usual War Department regulations with respect to property accountability will be observed and stock record cards will be maintained. In this connection, attention is invited to the simplified inventory adjustment procedure prescribed in Circular 94, War Department, 1944.

SPECIAL INSTRUCTIONS WITH RESPECT TO FIXED-PRICE PRIME CONTRACTS

§ 88.15–859 *Introductory.* Detailed procedures are hereinafter set forth in these §§ 88.15–859 to 88.15–863 with respect to (a) property which will be removed from the contractor's premises by the technical service, (b) property which will be stored with the contractor pursuant to a storage agreement made with him by the technical service, and (c) property which is neither removed nor stored pursuant to such an agreement but is held by the contractor at the expense and risk of the government and for the protection of which the contractor is required to take reasonable precautions and to notify the contracting officer concerned of the action taken.

§ 88.15–860 *Procedures with respect to property removed from the contractor's premises*—(a) *Check of quantities.* Contracting officers are instructed to waive 100% verification of the quantities of property at the time of removal from the contractor's plant by the government in all cases except those in which the contracting officer has reason to believe that complete verification is necessary. Taking into consideration the size of the inventory, nature of the property involved and past experience with the contractor, the contracting officer will prescribe the extent of selective checks of quantities to be made by government personnel. The quantities and weights stated in the inventory lists will ordinarily be accepted for all purposes if they are determined by such checks to be within reasonable plus or minus tolerances in accordance with good commercial practice. Government personnel making the selective check will be required to make suitable notation on the copy of the lists to be returned to the accountable property officer as to items selected for count and the results of their counts. If the position of an item on the production line at the time of the suspension of production is an important factor in a determination of allocability or extent of completion, an agreement should be reached as to these facts, where possible, prior to the removal of the item and while it is in place on the production line.

(b) *Acknowledgment of receipt.* Based on the procedures set forth in paragraph (a) of this section, technical service personnel charged with the supervision of removal of the property from the contractor's premises will furnish the contractor with appropriate acknowledgment of the physical receipt of property as removed. This receipt is executed prior to final settlement agreement, unless otherwise specifically directed by the contracting officer, will be without prejudice to any determination of allocability of contractor-owned property to the terminated portion of the contract and will expressly so provide. The receipt will otherwise be unconditional. Where feasible such receipt will be accomplished on copies of the lists to be retained by the contractor. When the property is removed from the contractor's premises in lots, copies of the covering shipping documents may be used for this purpose or reference may be made in the receipt to item identification numbers on the inventory lists. A suggested form of receipt for contractor-owned property is set forth in § 88.15–950.

(c) *Accountability.* Accountability for property removed from the contractor's plant, unless previously established, will vest in the accountable property officer designated pursuant to the provisions of § 88.15–857 (a) when he is advised that

acknowledgment of receipt of the property by the government (see paragraph (b) of this section) has been furnished to the contractor. The accountable property officer will be relieved from accountability in such cases by means of the covering Vendor's Shipping Document, War Department Shipping Document or Shipping Ticket, whichever is in current use at the installation concerned; and where the shipment is made in connection with a sale by the War Department, the provisions of Section II, AR 35–6660 with respect to sales of property will be observed. Inasmuch as copies of the acknowledgment of receipt and of the covering shipping document normally should be received by the designated accountable property officer at the same time, the assumption of and relief from accountability under the "jacket file" procedure in most cases will occur simultaneously.

(d) *Shipping documents.* The prescribed certificates on the Vendor's Shipping Document normally required to be executed for purposes of payment of a vendor, will be deleted when this form is used for purposes herein prescribed inasmuch as payment to the contractor will be supported by the termination settlement agreement and not by the Vendor's Shipping Document. In all cases, distribution of copies of the shipping document forms (regardless of type) will be the same as is prescribed for the War Department Shipping Document. It is pointed out that this distribution does not require the forwarding of copies to Finance Officers for property audit or any other purpose. Where practicable, in lieu of duplicating the listing of property on the shipping document, a copy of the inventory list or applicable portions thereof will be appended.

(e) *Discrepancies incident to shipments.* Wherever discrepancies or damages are disclosed by a War Department consignee upon receipt of property removed and shipped from a contractor's plant, the following action will be taken:

(i) Where it is obvious that the delivering common carrier or other delivering transportation agency is not liable for the shortage or damage, or where there is an overage, the discrepancies will be listed for record purposes on W. D., Q. M. C. Form No. 445 (Over, Short and Damaged Report) prepared in duplicate. One copy will be attached to the receiving voucher in support thereof and the other copy appropriately marked "Information Copy" will be forwarded to the contracting officer under the terminated contract for his advice. In the event of recurring or abnormal shortages the contracting officer will (i) direct that government personnel intensify their check of quantities as removed from the contractor's plant (see paragraph (a) of this section), (ii) consider the advisibility of requesting an investigation of the conduct of the contractor, or (iii) initiate such other action as he may deem advisable.

(2) Where it appears that the common carrier or other transportation agency may be liable for shortages or damage disclosed upon receipt of a shipment, the report of survey procedure prescribed in paragraph 4, AR 35–6640, paragraph 28e, AR 55–150 and Circulars No. 147 (Section IV) and No. 295 (Section V), War Department, 1943, notwithstanding the provisions of the first two lines of paragraph 1 of Circular No. 295 will be observed.

§ 88.15–861 *Procedures with respect to property stored with the contractor pursuant to storage agreement*—(a) *Form of storage agreement.* Agreements with contractors for the storage of property will be executed substantially in the form set forth in § 88.15–951.

(b) *Check of quantities.* Prior to execution of the storage agreement by the government, the contracting officer for the terminated contract will make appropriate arrangements with the contractor for a joint check of quantities by representatives of both the contractor and the government. The extent and character of the checks to be required of both the contractor and government representatives will be prescribed by the contracting officer who in this connection will observe the instructions contained in § 88.15–860 (a).

(c) *Acknowledgment of receipt.* Acknowledgment of receipt of the property by the government is covered in the form of storage agreement and no further or other action in this respect is necessary.

(d) *Accountability.* Unless previously established, accountability for property placed in storage with contractors will vest in the accountable property officer designated pursuant to the provisions of § 88.15–857 (a) upon receipt by him from the contracting officer of a conformed copy of the storage agreement. It will be noted that under the form of storage agreement set forth in § 88.15–951 the contractor is responsible for the care and safekeeping of the property.

(e) *Relief from accountability in connection with shipments.* Relief of the designated accountable property officer from accountability for property removed and shipped from storage by a contractor will be accomplished by use of the Vendor's Shipping Document, War Department Shipping Document or Shipping Ticket, whichever is in current use at the installation concerned. In this connection, the provisions of § 88.15–860 (d) hereof with respect to deletion of inapplicable certificates on the Vendor's Shipping Document and distribution of completed documents, will be observed. The shipping document will be prepared by the accountable property officer upon receipt of instructions from appropriate authority to move the property and all copies must bear the notation "Shipped from Contractor Storage". Copies of the document will be used as an order directing the contractor to release the property for shipment. The contractor will be instructed to return one copy of the document bearing his certification that quantities listed have been shipped as directed. This copy will serve as an acceptable credit voucher to the accountable property officer's account for the property shipped; and where the shipment is made in connection with a sale by the War Department, the provisions of Section II, AR 35–6660 with respect to sales of property will be observed.

(f) *Relief from accountability and related action with respect to losses in storage.* Instances of losses of or damage to property which may occur while in storage will be reported to the contracting officer under the storage agreement for appropriate action with respect to the liability, if any, of the contractor under the terms of the storage agreement. The contracting officer will advise the accountability property officer in writing of the amount of the loss involved, his findings with respect to the contractor's liability, if any, the amount of liability assumed by the contractor, and a statement as to action initiated to collect amounts which may be due the government. In all cases an extra copy of the written advice will be prepared and held by the contracting officer for service command property auditors. The written advice received from the contracting officer will in all cases and regardless of the nature of the findings, serve as an acceptable credit voucher to the accountable property officer's account for the property involved.

(g) *Discrepancies incident to shipments.* Whenever shortages or damage are disclosed by a War Department consignee upon receipt of property which has been removed and shipped from storage by a contractor, the following action will be taken:

(1) Report of Survey procedure prescribed in paragraph 4, AR 35–6640, paragraph 28e, AR 55–150 and Circulars No. 147 (section IV) and No. 295 (section V), War Department, 1943, notwithstanding the provisions of the first two lines of paragraph 1 of Circular No. 295, will be observed; and

(2) Where it has been determined in the survey proceeding that the shortages or damage are not the delivering carrier's responsibility, W. D., Q. M. C. Form No. 445 (Over, Short and Damaged Report) will be prepared and forwarded to the contracting officer under the storage agreement requesting his statement of findings with respect to the liability, if any, of the storage contractor under the terms of the storage agreement for the shortages or damage and any action taken to effect settlement of amounts which may be due from the contractor. This statement will be attached as an exhibit to the Report of Survey.

§ 88.15–862 *Procedures with respect to property neither removed from the contractor's premises nor stored with him pursuant to agreement.* (a) Where property owned by the contractor and claimed by him to be allocable to the terminated contract is neither removed from his premises upon demand nor stored with him pursuant to agreement, accountability will not be established until such time as the property is removed, a storage agreement is executed or the government by other means accepts the property.

(b) Considering the nature and utility value of the property, the technical services will take appropriate steps to determine that the contractor is taking reasonable precautions for the protection

of all the property in which the government has an interest.

§ 88.15–863 *Transfer of title to the government.* While it is considered that the formal demand of the contractor for removal of property owned by him and claimed to be allocable to the contract is in effect a tender of title, the demand must specifically include or be accompanied by a statement that title is tendered to the government free and clear of all liens and encumbrances. Unless otherwise expressly agreed between the contracting officer and contractor, the following instructions will be observed in connection with the transfer of title to such property to the government:

(a) In the case of property removed from the contractor's premises by the technical service (see § 88.15–860), title will be transferred to the government at the time of removal and receipt for such property. The provisions of the suggested form of receipt set forth in § 88.15–950, together with the tender of title accompanying the contractor's demand for removal, are considered adequate for this purpose in the normal case.

(b) In the case of property stored with the contractor pursuant to a storage agreement made with him by the technical service (see § 88.15–861), provision is made in the form of storage agreement set forth in § 88.15–951 for transfer of title to the government.

(c) The contracting officer may rely upon the statement of the contractor in the demand or in the storage agreement that the title to such property is free and clear of all liens and encumbrances.

(d) In the case of property which is neither removed from the contractor's plant nor stored with him pursuant to agreement (see § 88.15–862), title will not be transferred to the government unless and until the property is removed, a storage agreement is executed, or the government by other means agrees to accept title.

POLICIES AND PROCEDURES WITH RESPECT TO FIXED-PRICE SUBCONTRACTS

§ 88.15–864 *Property in the hands of fixed-price subcontractors.* (a) The foregoing policies and procedures with respect to fixed-price prime supply contracts are applicable to property in the hands of fixed-price subcontractors of any level under War Department fixed-price or cost-plus-a-fixed-fee prime supply contracts (when the property is not to be retained or disposed of by the prime contractor or a subcontractor) to the extent that whenever a subcontractor's required inventory lists (accompanied by a certificate of the prime contractor as hereinafter provided or other satisfactory evidence of allocability) are submitted to the contracting officer of the applicable prime contract, together with the subcontractor's demand for removal, every effort will be made by the technical service promptly to remove the property from the subcontractor's plant or to enter into a storage agreement with him, substantially in the form set forth in § 88.15–951, observing the instruction therein with respect to modifications. Such certificate of the prime contractor involved shall be to the effect that the subcontract had been terminated by reason of the termination of the prime contract and that the property involved is believed to be properly allocable to the prime contract, i. e., includible in the settlement of the prime contractor's claim. The lists must be forwarded to the prime contractor by the interseted subcontractor through intermediate subcontractors, if any, unless the contracting officer otherwise directs.

(b) In no case will the property be removed or a storage agreement entered into without such physical check of the accuracy of the lists by representatives of the government as the contracting officer under the terminated prime contract deems necessary in accordance with policies expressed in § 88.15–860 (a) hereof. In determining what physical check of the accuracy of a subcontractor's lists shall be made by representatives of the government, the contracting officer shall give due consideration to the checks made by the superior subcontractor or by the prime contractor.

(c) The privilege of contractors under paragraph (d) in § 88.15–851 to store property not removed on demand at the expense and risk of the procuring agency has not been extended to subcontractors. Thus the government does not assume risk of loss or expense of storage of subcontractor's property unless and until it is removed by the government or a storage agreement entered into, and in the latter case only to the extent, if any, provided in such agreement.

FINAL SETTLEMENT MATTERS

§ 88.15–865 *Storage or removal of property in connection with final settlement.* (a) To the extent applicable, the foregoing procedures with respect to removal or storage of property and the accounting therefor may also be employed in connection with any property which the fixed-price prime contractor still has on hand at the time of the execution of the final settlement agreement and which is to be taken over by the government at that time. The procedures may also be employed in connection with property which a fixed-price sub-contractor still has on hand at the time of a final settlement with him which is approved by the contracting officer; and the form of storage agreement, with appropriate notifications (including deletion of the provisions by which the government reserves the right to contest allocability to the contract) may be executed directly with the subcontractor, without liability of the prime contractor with respect to the subcontractor's performance of his obligations under the storage agreement.

(b) These §§ 88.15–850 to 88.15–868 do not cover the handling in the final settlement agreement of property which for any reason cannot be removed or stored at the time of the execution of that agreement.

§ 88.15–866 *Certification of vouchers in connection with payments under final settlement agreement.* Officers charged with the certification for payment of Public Vouchers, Standard Form No. 1034, covering a contractor's termination settlement are authorized to rely upon the statement of property shown on the inventory lists or other documents in the quantities for which acknowledgment of receipt has been furnished to the contractor (see § 88.15–860 (b)), or, in the case of property stored with a contractor pursuant to an agreement, in the quantities stated on the lists of property annexed to the storage agreement (see § 88.15–861).

POLICIES AND PROCEDURES WITH RESPECT TO COST-PLUS-A-FIXED-FEE SUPPLY CONTRACTS

§ 88.15–867 *Removal of property under terminated cost-plus-a-fixed-fee supply contracts.* In the case of cost-plus-a-fixed-fee supply contracts, title to the property acquired in connection with performance of the contract is already vested in the government; accountability has been established; and procedures for taking joint inventories upon termination by both the contractor and the government and for relief from accountability have been prescribed in the War Department Industrial Property Accounting Manual, 16 February 1943, as amended. In order to carry out the underlying policy of prompt clearance of property from contractors' plant upon termination of their contracts, the policies and procedures set forth in these §§ 88.15–850 to 88–15–868 are applicable to property involved in terminated War Department cost-plus-a-fixed-fee supply contracts to the following extent:

(a) Government-owned property not otherwise disposed of within sixty days after it is first reported by the contractor on a certified inventory list as prescribed in § 88.15–856 to the extent that it is located in a plant or portion of a plant not owned by the government will, unless the terminated contract otherwise provides, be removed or a storage agreement entered into with the contractor for its storage promptly after demand accompanied by the prescribed certified list of the property so requested to be removed: *Provided*, That the property will not be removed or a storage agreement entered into unless the joint inventory by the government and the contractor as prescribed in section X of the War Department Industrial Property Accounting Manual shall have been accomplished. Where the property is to be removed or a storage agreement entered into with the contractor within a reasonable period after termination, then for purposes of convenience to both the government and the contractor the joint inventory prescribed in the Manual may be delayed until the date that the property is removed or the storage agreement is executed.

(b) The provisions of §§ 88.15–854, 88.15–855, 88.15–860 and 88.15–861 will be applicable in the case of such removal or storage. Where the property is to be stored with the contractor, an agreement substantially in the form set forth in § 88.15–951 may be used provided the recitals are suitably modified and the provisions with respect to transfer of title and allocability to the contract are deleted. In the case of property removed

from the contractor's premises, the acknowledgment of receipt provided for in § 88.15–860 (b) will be appropriately modified, will not be qualified as to allocability and will omit reference to transfer of title. If it is later determined that property of the contractor was removed by mistake, an adjustment should be made in arriving at the amount of the final settlement which will allow the contractor the current disposal value of the property at the time of removal, or the government may return the property in kind.

(c) In the case of property removed or stored with the contractor pursuant to agreement, and where such action will simplify the task of record keeping, the accountable property officer is authorized to establish and maintain "jacket file accountability" as described in § 88.15–858 (a). In such cases the inventory lists covering the property removed or stored will serve both as a credit voucher to the established property account and as a debit voucher to the "jacket file" account.

(d) If property which the contractor is entitled to have removed by the government under the provisions of paragraph (a) of this section, is not removed or stored with him pursuant to agreement, the contractor, unless the contract otherwise provides, may store such property at the expense and risk of the government either on his premises or if he determines that space is not available for that purpose then elsewhere, provided in either case the contractor, regardless of any terms of the terminated contract providing for a lesser degree of responsibility for the care and preservation of property during performance of the contract, takes reasonable precautions for the protection of the property and notifies the contracting officer of the action taken.

(e) At any time after the joint inventory has been taken and agreed upon, the contractor may, unless the contract otherwise provides, remove such property and store it at his own risk and expense.

(f) The principles set forth in this § 88.15–867 are also applicable to cost-plus-a-fixed-fee subcontracts under cost-plus-a-fixed-fee prime supply contracts.

§ 88.15–868 *Government-owned facilities.* The provisions of these §§ 88.15–850 to 88.15–868 are not applicable to government-owned facilities in the custody or possession of contractors under facilities contracts and facilities clauses of terminated contracts. When removal and disposal policies as to these facilities have been determined, appropriate instructions will be issued.

FORM WITH RESPECT TO THE REMOVAL OF PROPERTY FROM CONTRACTORS' PLANTS UPON TERMINATION

Sections 88.15–950 and 88.15–951 are added as follows:

§ 88.15–950 *Suggested form of receipt.*

The United States of America (government) hereby acknowledges receipt from _____ (contractor) of the property listed _____*, and claimed by the contractor to be allocable to terminated war contract(s) number(s) _____ and title to which has been tendered by the contractor free and clear of all liens and encumbrances. Title has been accepted by the government in compliance with the contractor's demand that the property be removed from his plant(s) pursuant to Procurement Regulation No. 15. The execution of this receipt is without prejudice to any determination of the allocability of the property to the terminated portion(s) of said contract(s). If it is determined prior to final settlement that any of said property is not so allocable, then the government, in arriving at the amount of the final settlement will take into account either the disposal value of such property at the time of removal or the proceeds realized from the disposal of such property, or will return the property to the contractor at government expense, all at the election of the government; and after final settlement the contractor will have no claim against the government by reason of such property.

Date _____

_____

*Insert appropriate reference.

§ 88.15–951 *Contract with war contractor for storage and service.*

Contract No. _____

CONTRACT WITH WAR CONTRACTOR FOR STORAGE AND SERVICE

This Contract entered into pursuant to the First War Powers Act and Executive Order No. 9001 this _____ day of _____, 194__ by and between The United States of America (hereinafter referred to as the Government), represented by the Contracting Officer executing this contract and _____

*a corporation organized and existing under the laws of the State of _____ *a partnership consisting of _____

*an individual trading as a _____

of the city of _____ in the State of _____ (hereinafter called the Contractor); Witnesseth:

Whereas,[1] Contract(s) was (were) entered into between the Contractor and the Government numbered as follows: _____; and

Whereas,[1] said contract(s) provide(s) for termination of such contract(s) at the convenience (option) of the Government and the Government has issued notice of termination thereof; and

Whereas,[1] the Contractor has submitted to the Government an inventory of property in Schedule "A" attached hereto which it certifies is allocable to the aforementioned terminated contract(s) or has been furnished to the Contractor by the Government in connection therewith and has requested that the Government take and remove said property; and

Whereas, the Contractor is willing to store the property for the Government, and the Government has agreed to such storage at the Government's expense;

Now, therefore, in consideration of the mutual promises of the parties hereto, it is agreed as follows:

ARTICLE 1. *Transfer of Title.* The Contractor (without prejudice to any right which the Contractor may have to compensation for such property in connection with the termination settlement of said terminated contract(s) does hereby transfer to the Government, free and clear of all liens and encumbrances, title to the property set forth in said Schedule "A", as it may from time to time be amended (hereinafter referred to as the property), which is not already Government-owned; and in furtherance thereof the Contractor agrees to furnish to the Contracting Officer such evidences of ownership and other instruments of transfer as the Contracting Officer may reasonably require; provided, however, that pursuant to Article 7 hereof and except as therein specified otherwise, the Government reserves the right to contest the allocability of any or all of the property to the terminated portion(s) of said contract(s).

ART. 2. *Services.* The Contractor agrees to perform all the services necessary in the handling, storage, and preservation of the property in the quantities and conditions set forth in said Schedule "A" for the consideration of $_____ per month.** The property is on the date hereof in the possession of the Contractor in the quantities and conditions set forth in said Schedule "A". With the consent of the parties Schedule "A" may be amended from time to time by the addition of other property. In the event property is so added or deliveries are made pursuant to Article 11 hereof, the compensation to be paid to the Contractor shall be equitably adjusted by mutual agreement of the parties hereto. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Article 21 (Disputes) hereof.

ART. 3. *Contract Period.* (a) The Contractor agrees to perform the services described in Article 2 hereof beginning on _____ until this contract shall be terminated either by party hereto giving to the other 30 days' previous notice in writing.

(b) Storage charges are per month. Any fraction of a month shall be deemed a full month. A storage month shall extend from a date in one calendar month to, but not including, the same date of the next succeeding calendar month; but if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of the month. When the last day of a final storage month falls on Sunday or a legal holiday, the storage month shall be deemed to expire at midnight on the next succeeding business day.

ART. 4. *Location of Storage Space.* The property shall be stored at the following premises: _____

ART. 5. *Inspection.* The Government reserves the right to inspect at any time the Contractor's storage space and the property stored hereunder.

ART. 6. *Segregation of Property.* All the property shall be kept separate from all other property whether or not such property may, by law or by custom, be considered fungible. This does not require, however, that the property be stored in separate rooms, on different floor levels from other similar property, or in a particular space.

ART. 7. *Allocability.* (a) Except as otherwise specifically provided in this Article, as it may from time to time be amended, or in any other agreement, the Government does not concede, and may contest, the allocability of any of the property to the terminated portion(s) of said contract(s). If it is determined prior to final settlement of the terminated contract(s) that any of the property is not allocable to the terminated portion(s) thereof, then the Government, in arriving at the amount of the final settlement, will take into account either the disposal value of the property at the time of removal or the proceeds realized from the disposal of the property, or will return the property to the contractor at government expense, all at the election of the Government; and after final settlement the contractor will have no claim against the Gov-

*Delete all lines which do not apply.

[1] NOTE: Where this contract is entered into with subcontractors, appropriate modifications and additions will be necessary in and to the "Whereas" clauses.

**Where practicable storage rates may be computed on a square or cubic foot basis.

ernment by reason of such removal or disposition.

(b) The parties hereto agree that the property identified as below indicated is allocable to the afore mentioned terminated contract(s):* _____

ART. 8. *Revision of Storage Charges.* In the event it is determined that all or any part of the property is not allocable to the terminated portion(s) of said contract(s), the amount of consideration set forth in Article 2 hereof shall by mutual agreement of the parties hereto be revised downward retroactively to and including the month in which such property was first stored hereunder. The revised amount of consideration shall continue in effect until a subsequent revision in accordance with the terms of this Article or adjustment pursuant to Article 2 hereof. If the parties fail to agree upon the revision to be made, the dispute shall be determined as provided in Article 21 (Disputes) hereof. Any revised amount of consideration shall be embodied in a supplemental agreement to this contract. If the Contractor has already been paid for the month or months as to which the amount of consideration is revised, the Government shall be entitled to a credit on all payments thereafter due the Contractor for the excess paid; or if so ordered by the Contracting Officer, the Contractor shall immediately refund to the Government the amount of such excess.

ART. 9. *Watchmen or Guards—Plant Protection.* In addition to the requirements for the care of the property contemplated by Article 14 hereof, the Contractor shall maintain in and about the storage space such adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may direct in writing, to prevent espionage, sabotage, and other malicious destruction or damage. If, pursuant to the Contracting Officer's written direction the Contractor incurs any additional expenses during the period the property is stored pursuant to this contract, the Contractor shall be paid a reasonable amount therefor. If the parties are unable to agree on an amount, the dispute shall be determined as provided in Article 21 (Disputes) hereof.

ART. 10. *Payments.* The Contractor shall submit monthly to the Contracting Officer a properly certified invoice for all accrued charges under this contract for the preceding storage month. Recognition is given to the fact that the Government fiscal year ends on 30 June. Payment for charges accruing hereunder after that date shall be contingent upon the availability of appropriations therefor.

ART. 11. *Deliveries.* Deliveries of all, or from time to time part, of the property from storage space to the Government at the storage site or to its designated carrier to transfer agent will be accomplished by the Contractor on receipt of a written order from the Government. Plus or minus tolerances of quantities and weights within reasonable limits in accordance with good commercial practice will be accepted. The Contractor shall be paid a reasonable amount for any charges for drayage to the said designated carrier or transfer agent incurred at the direction of the Contracting Officer. In the event that the parties fail to agree upon the reasonable amount to be paid for drayage charges, the dispute shall be determined as provided in Article 21 (Disputes) hereof.

ART. 12. *Waiver of Lien.* It is understood and agreed that the Contractor has no warehouseman's lien on the property and will not assert any warehouseman's lien thereon.

ART. 13. *Transfer for Administration.* This contract may be transferred by the Government at any time, in whole or in part, to any Government department or governmental agency for administration purposes.

ART. 14. *Liability for Care of Goods.* The Contractor shall be liable for any loss or injury to the property caused by his failure to exercise such care in regard to it as a reasonably careful owner of similar goods would exercise, but he shall not be liable for any loss or injury to the property which could not have been avoided by the exercise of such care.

ART. 15. *Records of Government-Owned Property.* _____ _____ is designated as the officer to maintain the necessary property records in connection with this contract.

ART. 16. *Federal, State and Local Taxes.* (a) The consideration provided herein includes all applicable Federal, state and local taxes in effect at the date of this contract except that it does not include any taxes on the property stored under this contract.

(b) If after the date of this contract the Federal Government or any state or local Government shall impose, remove or change (including any change by the removal by statute of an exemption available to the contractor for the purposes of this contract) any tax or charge upon the transportation of storage or privilege of storing, the property, which tax or charge must be borne by the Contractor because of a specific contractual obligation or by operation of law; and, if in case of an increase in such an existing tax or the imposition of such a new tax, the Contractor has paid such tax or charge to the Federal Government or to a state or local government, or any other person; or, in case of a decrease or elimination of any such tax, and the Contractor is relieved to that extent; then the consideration named herein will be increased or decreased accordingly, and any amount due to the Contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided, however,* That the Government reserves the right to issue to the Contractor in lieu of such payment a tax exemption certificate or certificates acceptable to the Federal Government or state or local government, as the case may be. The amount of any adjustment pursuant to this paragraph (b) may be determined by a written agreement between the parties hereto. Nothing contained herein shall be construed as requiring the Government to reimburse the Contractor for any Federal, state, or local income taxes, income surtaxes or excess profits taxes or any state or local property taxes, except as provided in paragraph (c) hereof.

(c) If after the date of this contract the Contractor incurs any state or local property tax with respect to the property allocable to the aforementioned terminated contract(s), the consideration will be increased in the manner set out in paragraph (b) hereof.

(d) In the case of any state or local tax or charge which the Contractor contends is chargeable to the Government because of the provisions of this Article, or any other provision of this contract, the Contractor agrees to refrain from paying such tax or charge upon the direction of the Contracting Officer (in which event the Government will save the Contractor harmless from penalties and interest incurred through compliance with the direction of the Contracting Officer not to pay such tax), to take such steps as may be directed by the Government to cause such tax or charge to be paid under protest; to preserve, and, if so directed by the Contracting Officer, to cause to be assigned to the Government any and all rights to the abatement or refund of such tax or charge; if so requested, to permit the Government to prosecute any claim, litigation or proceeding for the refund of such tax in the name of the Contractor, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in any litigation or proceeding for the recovery of such tax or charges.

ART. 17. *Eight-Hour Law.* (§ 81.346)

ART. 18. *Anti-Discrimination.* (§ 81.325)

ART. 19. *Officials Not to Benefit.* (§ 81.322)

ART. 20. *Covenant Against Contingent Fees.* (§ 81.323)

ART. 21. *Disputes.* (§ 81.326)

ART. 22. *Assignment of Rights Hereunder.* (§ 81.355)

ART. 23. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative, or in the event of transfer pursuant to Article 13 hereof, the person designated as Contracting Officer by the Government department or governmental agency to which this contract is transferred.

ART. 24. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto: _____ _____

In witness whereof, the parties hereto have executed this contract on the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____

_____

(Contracting Officer)

_____

_____

(Contractor)

Witnesses as to signature of the Contractor.

(1) _____

_____

(Address)

(2) _____

_____

(Address)

NOTE: When in the opinion of the Contracting Officer the circumstances so require, special articles may be added to this contract to provide for particular methods of storing, handling or preserving the property. Such articles may specify that certain items or groups of items may be placed in outside storage or should receive special maintenance. It may also be desirable in some cases to specify particular arrangements of the property—for example, between aisles or otherwise in order to permit ready access to, and visible inspection of, each lot of property, in a particular type of stacks so as to protect property or insure maximum use of storage space; or in accordance with necessary safety requirements.

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

*Delete if inapplicable.

[F. R. Doc. 44-6393; Filed, May 5, 1944; 10:28 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-6]

PART 60—AIR TRAFFIC RULES

FOREIGN FLIGHT AUTHORIZATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1944.

Effective May 3, 1944 § 60.94 of the Civil Air Regulations is amended by striking paragraphs (b) and (c).

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-6534; Filed, May 8, 1944; 11:38 a. m.]

[Regulations, Serial No. 305]

PART 239—CHARTER TRIPS AND SPECIAL SERVICES

CHARTER TRIPS AND SPECIAL SERVICES BY AIR CARRIERS HOLDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Correction

The serial number of the regulations appearing on page 4803 of the issue for Saturday, May 6, 1944, should read as set forth in brackets above.

[Regs., Serial No. 307]

OFFICIAL MISSIONS OF CIVIL AIR PATROL WITHIN CUBA AND CERTAIN PORTION OF MEXICO

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 60.94 of the Civil Air Regulations with respect to aircraft of the Civil Air Patrol flying on official missions.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1944.

The following Special Civil Air Regulation is made and promulgated to become effective May 3, 1944:

Aircraft flying on official missions of the Civil Air Patrol may operate within the Republic of Cuba and within that portion of the Republic of Mexico lying within 100 miles of the territorial limits of the United States without the foreign flight authorization required by § 60.94 of the Civil Air Regulations.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-6533; Filed, May 8, 1944; 11:38 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Rev. VII. Cumulative Supp. 2]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F. R. 3555), Cumulative Supplement 2 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VII of March 23, 1944 (9 F. R. 3285), is hereby promulgated.[1]

By direction of the President:

[SEAL] CORDELL HULL,
Secretary of State.
JESSE H. JONES,
Secretary of Commerce.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
LEO T. CROWLEY,
Administrator, Foreign Economic Administration.
FRANCIS BIDDLE,
Attorney General.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

MAY 5, 1944.

[F. R. Doc. 44-6484; Filed, May 6, 1944; 12:41 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter B—Estate and Gift Taxes

[T. D. 5365]

PART 85—GIFT TAX UNDER THE REVENUE ACT OF 1932, AS AMENDED

CERTAIN DISCRETIONARY TRUSTS

In order to conform Regulations 79 (1936 Edition) [Part 85, Title 26, Code of Federal Regulations] to section 502 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding article 1 [§ 85.1] the following:

SEC. 502. CERTAIN DISCRETIONARY TRUSTS IN CONNECTION WITH GIFT TAX. (Revenue Act of 1943, Title V, enacted February 25, 1944.)

* * * * *

(b) *Amendment of Revenue Act of 1932.* Section 501 of the Revenue Act of 1932 (imposing a gift tax) is amended by inserting at the end thereof the following:

(c) *Certain discretionary trusts.* In the case of property in a trust created prior to January 1, 1939, if on and after January 1, 1939, no power to revest title to such property in the grantor could be exercised either by the grantor alone, or by the grantor in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, then a relinquishment by the grantor on or after January 1, 1939, and prior to January 1, 1940, of power or control with respect to the distribution of such property or the income therefrom by an exercise or other termination of such power or control shall not be deemed a transfer of property for the purposes of this title. If such property was transferred in trust, the grantor not retaining such power to revest title thereto in himself, or if such power to revest title to such property in the grantor was relinquished, while a law was in effect imposing a tax upon the transfer of property by gift, this subsection shall apply only if (1) gift tax was paid with respect to such transfer or relinquishment, and not credited or refunded, or a gift tax return was made within the time prescribed on account of such transfer or relinquishment but no gift tax was paid with respect to such transfer or relinquishment because of the deductions and exclusions claimed on such return, and (2) the grantor consents, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for all purposes of this title to treat such transfer or relinquishment in the calendar year in which effected, and for all periods thereafter, as having been a transfer of property subject to tax under this title. This subsection shall not apply to any payment or other disposition of income occurring prior to the termination of power or control with respect to the future disposition of income from the trust property.

(c) *Interest on overpayments.* No interest shall be allowed or paid on any overpayment resulting from the application of this section.

PAR. 2. Article 3 [§ 85.3], as amended by Treasury Decision 5010, approved September 19, 1940, is further amended by changing the last paragraph to read as follows:

Section 501 (c), as added by section 502 of the Revenue Act of 1943, provides in the case of property transferred in trust before January 1, 1939, under which the grantor, on and after such date, retained no power to revest title to such property in himself, exercisable by the grantor alone or in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, that the relinquishment by the grantor on or after January 1, 1939 and prior to January 1, 1940, by an exercise or other termination, of a power to change the disposition of the trust property, which completes the gift thereof, shall not be treated as a gift for the purposes of the gift tax statute. However, if the property had been transferred in trust without the grantor retaining power to revest title to the property in himself, or if such power previously retained had been relinquished, while a Federal gift tax statute was in effect, the exemption provided by section 501 (c) shall apply only if (1) gift tax had been paid with respect to such prior transfer or relinquishment, and not credited or refunded, or a gift tax return had been filed within the time prescribed on account of such prior transfer or relinquishment but no gift tax paid because of deductions or exclusions claimed on such return, and (2) the grantor agrees in writing to continue to treat such prior transfer or relinquishment as completing the gift for all purposes of the gift tax statute except as hereinafter indicated with respect to income. Upon submission of such written agreement, the Commissioner may make any necessary redetermination of the amount of the net gifts for such prior year, and, unless assessment is barred by statutory limitations or rule of law, assert any resulting deficiency tax. The

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

exemption provided by section 501 (c) shall not apply to any payment or other disposition of income while the grantor retains the power of disposition of the future income from the trust property. For example, if a donor created a trust in 1930, reserving a power to change the beneficiaries and their proportionate interests with respect to principal and income, but without retaining the power to revest the property in himself, and terminates his reserved power in 1939, so that he is no longer able to change the beneficiaries or their respective interests, the interim payment of income to any beneficiary or other surrender by the donor of control over such income prior to such termination is nevertheless a taxable gift and to be treated accordingly. The same result follows if a similar trust was created while a gift tax law was in effect and the donor, prior to January 1, 1940, terminates the aforesaid reserved power, consenting to treat the original transfer in trust in the calendar year in which effected and for all periods thereafter as having been a transfer subject to gift tax. No interest shall be allowed or paid on any overpayment resulting from the application of the exemption provided by section 501 (c).

(Secs. 501 and 530 of the Revenue Act of 1932 (47 Stat. 245, 259), approved June 6, 1932, and section 502 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted Feb. 25, 1944)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: May 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-6468; Filed, May 6, 1944; 10:18 a. m.]

[T. D. 5366]

PART 86—GIFT TAX UNDER CHAPTER 4 OF INTERNAL REVENUE CODE, AS AMENDED

POWER OF APPOINTMENT

In order to conform Regulations 108 [Part 86, Title 26, Code of Federal Regulations, Cum. Supp.] to sections 502 and 505 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 86.1 the following:

SEC. 502. CERTAIN DISCRETIONARY TRUSTS IN CONNECTION WITH GIFT TAX. (Revenue Act of 1943, Title V, enacted February 25, 1944.)

(a) *Amendment of the Internal Revenue Code.* Section 1000 of the Internal Revenue Code (imposing the gift tax) is amended by inserting at the end thereof the following:

(e) *Certain discretionary trusts.* In the case of property in a trust created prior to January 1, 1939, if on and after January 1, 1939, no power to revest title to such property in the grantor could be exercised either by the grantor alone, or by the grantor in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, then a relinquishment by the grantor on or after January 1, 1940, and prior to January 1, 1945, of power or control with respect to the distribution of such property or the income therefrom by an exercise or other termination of such power or control shall not be deemed a transfer of property for the purposes of this chapter. If such property was transferred in trust, the grantor not retaining such power to revest title thereto in himself, or if such power to revest title to such property in the grantor was relinquished, while a law was in effect imposing a tax upon the transfer of property by gift, this subsection shall apply only if (1) gift tax was paid with respect to such transfer or relinquishment, and not credited or refunded, or a gift tax return was made within the time prescribed on account of such transfer or relinquishment but no gift tax was paid with respect to such transfer or relinquishment because of the deductions and exclusions claimed on such return, and (2) the grantor consents, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for all purposes of this chapter to treat such transfer or relinquishment in the calendar year in which effected, and for all periods thereafter, as having been a transfer of property subject to tax under this chapter. This subsection shall not apply to any payment or other disposition of income occurring prior to the termination of power or control with respect to the future disposition of income from the trust property.

* * * * *

(c) *Interest on overpayments.* No interest shall be allowed or paid on any overpayment resulting from the application of this section.

SEC. 505. EXTENSION OF TIME IN CONNECTION WITH RELEASE OF POWERS OF APPOINTMENT. (Revenue Act of 1943, Title V, enacted February 25, 1944.)

* * * section 452 (c) of the Revenue Act of 1942 is amended to read as follows:

(c) *Release before January 1, 1945.* (1) A release of power to appoint before January 1, 1945, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1945.

PAR. 2. Section 86.2 (b) is amended as follows:

(A) By changing the second sentence of the first paragraph to read as follows:

The release before January 1, 1945, of a power to appoint created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942, is excepted from the application of the tax by reason of the express provisions of section 452 (c) of the Revenue Act of 1942, as amended by section 505 of the Revenue Act of 1943.

(B) By changing the first part of the second paragraph preceding subparagraph (1) to read as follows:

During the calendar year 1943 and any calendar year thereafter, section 1000 (c) as added by the Revenue Act of 1942, applies, subject, however, to section 452 (c) of such act, as amended by section 505 of the Revenue Act of 1943. That is, during such years an exercise or release of a power of appointment (other than a release prior to January 1, 1945 of a power of appointment created on or before October 21, 1942) without an adequate and full consideration in money or money's worth (including a power to appoint exercisable in conjunction with another person) constitutes a gift by the individual possessing such power, except in the case of the following:

(C) By striking out "March 1, 1944," wherever it appears in subparagraph (3) of the second paragraph and in the next to the last paragraph, and by inserting in lieu thereof "January 1, 1945."

PAR. 3. Section 86.3 is amended by changing the last paragraph to read as follows:

Section 1000 (e), as added by section 502 of the Revenue Act of 1943, provides in the case of property transferred in trust before January 1, 1939, under which the grantor, on and after such date, retained no power to revest title to such property in himself, exercisable by the grantor alone or in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, that the relinquishment by the grantor on or after January 1, 1940 and prior to January 1, 1945, by an exercise or other termination, of a power to change the disposition of the trust property, which completes the gift thereof, shall not be treated as a gift for the purposes of the gift tax statute. However, if the property had been transferred in trust without the grantor retaining power to revest title to the property in himself, or if such power previously retained had been relinquished, while a Federal gift tax statute was in effect, the exemption provided by section 1000 (e) shall apply only if (1) gift tax had been paid with respect to such prior transfer or relinquishment, and not credited or refunded, or a gift tax return had been filed within the time prescribed on account of such prior transfer or relinquishment but no gift tax paid because of deductions or exclusions claimed on such return, and (2) the grantor agrees in writing to continue to treat such prior transfer or relinquishment as completing the gift for all purposes of the gift tax statute except as hereinafter indicated with respect to income. Upon submission of such written agreement, the Commissioner may make any necessary redetermination of the amount of the net gifts for such prior year, and, unless assessment is barred by statutory limitations or rule of law, assert any resulting deficiency tax. The exemption provided by section 1000 (e) shall not apply to any payment or other disposition of income while the grantor retains the power of disposition of the future income from the trust property. For example, if a donor created a trust in 1930, reserving a power to change the beneficiaries and their proportionate interests with respect to principal and income, but without retaining the power to revest the property in himself, and terminates his reserved power in 1944, so that he is no longer able to change the beneficiaries or their respective interests, the interim payment of income to any beneficiary or other surrender by the donor of control over such income prior to such termination is nevertheless a taxable gift and to be treated accordingly. The same result follows if a similar trust was created while a gift tax law was in effect

and the donor, prior to January 1, 1945, terminates the aforesaid reserved power, consenting to treat the original transfer in trust in the calendar year in which effected and for all periods thereafter as having been a transfer subject to gift tax. No interest shall be allowed or paid on any overpayment resulting from the application of the exemption provided by section 1000 (e).

(Secs. 1000, 1029 and 3791 of the Internal Revenue Code (53 Stat. 144, 157, 487; 26 U. S. C. 1000, 1029, 3791), and secs. 502 and 505 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted Feb. 25, 1944)

[SEAL] GEO. J. SCHOENEMAN,
Acting Commissioner of Internal Revenue.

Approved: May 5, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-6469; Filed, May 6, 1944; 10:18 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 545—HOME WORKERS IN THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

By virtue of the authority vested in me by section 6 (a) (5) of the Fair Labor Standards Act (52 Stat. 1060), as amended (Pub. Res. No. 88, 76th Cong.), I hereby amend the regulations, Part 545 (Regulations Relating to Home Workers in the Needlework Industries in Puerto Rico), as follows:

Section 545.11, Schedule A (6 F.R. 3634, 6103), is amended by deleting therefrom Operation 13, Cutting of Threads, and Operation 18, Patches—Sewed on w/bld. hemstit., under the heading designated as I. Sewing.

These amendments shall become effective 90 days after the date of publication thereof in the FEDERAL REGISTER.

Signed at New York this 3d day of May 1944.

L. METCALFE WALLING,
Administrator.

§ 545.11 Piece rates established in accordance with § 545.7.

* * * * * * *

SCHEDULE A

Operation	Cotton Underwear and Infants' Underwear Division		Infants' Wear Division	Silk (Except Infants') Underwear Division	Wearing Apparel Division		Unit of Payment
	Rayon and infants' silk underwear	Cotton underwear			Women's blouses and dresses	Children's wear	
	1	2	3	4	5	6	
I. SEWING							
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	
1. Knitted loops—¼"	1.56	1.40	1.56	1.87	2.50	2.50	Per dozen loops.
2. Knitted loops—1" up to 1½"	2.03	2.37	2.63	3.16	4.21	4.21	Per dozen loops.
3. Sewing of button—two to three stitches using double thread	1.63	1.47	1.63	1.96	2.61	2.61	Per dozen buttons.
4. Sewing of ribbon	1.71	1.54	1.71	2.05	2.74	2.74	Per dozen ribbons.
5. Pin tucks—up to 7" in length stamped	4.12	3.71	4.12	4.94	6.59	6.59	Per dozen tucks.
6. Tucks 1/16" to ⅛" wide—up to 6" in length stamped	3.91	3.52	3.91	4.69	6.26	6.26	Per dozen tucks.
7. Flat roll	3.79	3.41	3.79	4.55	6.06	6.06	Per yard.
8. Half roll	4.10	3.69	4.10	4.92	6.56	6.56	Per yard.
9. Basting for faggotting	1.13	1.02	1.13	1.36	1.81	1.81	Per yard.
10. Rolling armholes and Reboques	6.39	5.75	6.39	7.67	10.22	10.22	Per yard.
11. Buttonholes—⅜" long	5.39	4.85	5.39	6.47	8.62	8.62	Per dozen buttons.
12. French seams—9 to 12 Stit. per inch [1]	2.06	1.85	2.06	2.47	3.30	3.30	Per yard.
13. Ordinary running stit. on hems 12 stit. per inch up to 1"	3.36	3.02	3.36	4.03	5.38	5.38	Per yard.
14. Overcasting seams	2.66	2.39	2.66	3.19	4.26	4.26	Per yard.
15. Flat fell seam [1]	4.88	4.39	4.88	5.86	7.81	7.81	Per yard.
16. Patches-sewed on w/egle. pt. turc	8.30	-------	8.30	9.96	13.28	13.28	Per dozen inches.
17. Sewing of laces-ord. running stitch	3.32	-------	3.32	3.98	5.31	5.31	Per yard.

[1] First seam by machine.

NOTE: Columns 1, 2, and 3 based on hourly rate of 12½ cents. Column 4 based on hourly rate of 15 cents. Columns 5 and 6 based on hourly rate of 20 cents.

[F. R. Doc. 44-6432; Filed, May 5, 1944; 2:08 p. m.]

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

DISPUTE CASES

The following sections of the Rules of Procedure have been amended to read as follows:

§ 802.52 *Procedure in dispute cases not involving wages or salaries.* * * *

(b) Upon receipt of the certification, the case will be considered by a New Case Committee of the Regional War Labor Board, composed of the Chairman or Vice-Chairman, one industry and one labor member, and the Disputes Director. The New Case Committee, in determining what action to take, will consult with the Regional Representative of the Conciliation Service. If the Committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the Regional Representatives of the Conciliation Service for further information, or further investigation or conciliation. If the case is deemed ready for a hearing, the Committee will designate a tri-partite panel to hear the case. The Labor representative on the Panel shall be of the same affiliation (AFL or CIO) as the union involved. If an independent union is involved, the labor representative on the panel shall be associated with another independent union. If the parties agree to have the case heard by a single person, the Regional War Labor Board will designate one of the public panel members, or some other suitable person, to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

§ 802.57 *Authority of Regional War Labor Boards.* * * *

(b) *Directive orders in dispute cases.* (1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue, and shall be issued to the parties when made. The issuance of any provision of a directive order, however, which relates to a wage or salary adjustment, may be stayed if two or more public members of the Regional Board dissent from the provision and request that its issuance be stayed. In such event a copy of the directive order and the request for the stay, together with a statement of the reasons for such request, shall be immediately transmitted to the National War Labor Board. The provision so sought to be stayed shall not be issued to the parties until the expiration of ten days after receipt in Washington of the request for the stay, unless (i) the issuance of such provision is earlier approved by the National War Labor Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event, the Executive Assistant to the National War Labor Board shall communicate the Board's action to the Regional Board, and the stay shall continue in effect until the case is finally disposed of.

(2) If after the issuance of a directive order no timely petition for review is filed within the period provided in paragraph (c) below, and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms: *Provided,* That the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (c) below, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board directs, or has directed, otherwise, or un-

less the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any party may petition the National War Labor Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

(3) Copies of all directive orders and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(c) *Petitions for review.* (1) Within fourteen days after a Regional Board mails to a party a directive order in a dispute case, or a ruling denying or modifying an application for approval of a voluntary wage or salary adjustment, such party may mail to the Regional Board an original and four copies of a petition, including supporting documents, seeking review by the National War Labor Board of such ruling or directive order. The petition shall (i) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (ii) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (iii) state that a copy of the petition has been served upon the other parties to the case, and the date of such service.

No such petition seeking review by the National War Labor Board of a ruling or directive order of a Regional Board shall be granted unless the petitioner has demonstrated by substantial proof that (i) the ruling or order exceeds the National War Labor Board's jurisdiction, or (ii) the ruling or order contravenes the established policies of the National War Labor Board, or (iii) a novel question is involved of such importance as to warrant national action, or (iv) the procedure resulting in the ruling or order was unfair to the petitioner, and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding.

(2) Within fourteen days after a copy of such a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail an answer to the petition to the Regional Board which issued the directive order or ruling. An original and five copies of the answer shall be transmitted to the Regional Board and a copy shall at the same time be served upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of any order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in subparagraph (1) above. Each answer should state fully but concisely the respondent's reasons for believing (i) that the petition ought not to be entertained, and (ii) that, if the National War Labor Board decides to entertain the petition, the petition should be denied on the merits.

(d) *Reconsideration of directive orders and rulings.* * * *

(2.) The party petitioning for reconsideration shall serve a copy of the petition on all other parties at the same time that it is filed with the Regional Board. The filing of such petition does not preclude the filing of a petition for review, but shall not extend the time for filing a petition for review nor change the date when the directive order takes effect.

* * * * *

(5) If the ruling or directive order issued by the Regional Board is modified by the Regional Board in response to a petition for reconsideration or upon its own motion, the Regional Board shall issue to the parties such ruling or order, as modified, in the same manner and with the same effect as is provided in paragraphs (a) and (b) of this section. The order or ruling as modified shall be subject to review in accordance with the provisions of paragraph (c) of this section, except that the period prescribed therein for filing a petition for review or answer thereto shall be seven instead of fourteen days.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes Act. P.L. 89, 78th Cong.)

Adopted April 4, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-6470; Filed, May 6, 1944; 10: 08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 222]

PART 691—REGULATIONS FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend Part 691 in its entirety to read as follows:

ORGANIZATION

CARE, WELFARE, AND DISCIPLINE

WORK PROGRAM

ORGANIZATION

§ 691.1 *Camp responsibility.* (a) The National Service Board for Religious Objectors will appoint the camp director. The camp director is responsible for all phases of camp operations, including maintenance of the camp and its environs and watchman service in accordance with standards acceptable to the technical agency directing the work project. He is also responsible for the reception, feeding, housing, clothing, recreation, education, health and camp life of the assignees.

(b) The technical agency responsible for the work project will provide a project superintendent and such other personnel as may be necessary. Such personnel will be governed by the laws and regulations governing the personnel of such agency. The project superintendent of the technical agency is responsible for all phases of job planning and direction, the direction of technicians detailed to the camp, job training, and the safety program while assignees are under his direction. The project superintendent of the technical agency will issue drivers' permits for the operation of government owned vehicles in accordance with the regulations established by his agency.

§ 691.2 *Camp overhead.* The camp director is authorized to relieve assignees not in excess of the number authorized by the Director of Selective Service from the work project and to detail them to the performance of administrative and housekeeping duties of the camp.

CARE, WELFARE, AND DISCIPLINE

§ 691.11 *Subsistence.* The feeding of assignees at the camp is the responsibility of the camp director. Standard specifications for foods as supplied in the Army or Navy will be applicable. Balanced rations will be provided. Menus will be prepared and posted in the mess hall at least 10 days in advance and a record will be kept of the number of persons and quantities of food served each day. Representatives of the technical agency personnel and of the Director of Selective Service using the camp mess will pay the camp director for meals at the rate of 25 cents for a single meal or not to exceed the average monthly per capita cost of meals for the camp when they are assigned to and live in the camp on a permanent basis.

§ 691.12 *Clothing.* (a) No uniforms for assignees are prescribed.

(b) The camp director will see that every assignee is provided with sufficient and proper clothing to perform his duties. The project superintendent of the technical agency will refuse to take men for work who are not properly pro-

tected against the weather and the hazards of the work. Unsatisfactory clothing will be reported by the project superintendent of the technical agency through his official channels to the Director of Selective Service.

§ 691.13 *Medical care and hospitalization.* (a) In each camp adequate services of a physician will be provided by the religious organization which operates the camp. This physician will be responsible for the medical care of the assignees. The religious organization which operates the camp will make arrangements with the nearest suitable local hospital for admission, on order of the camp physician, of assignees who require hospitalization.

(b) All assignees should receive immunization treatments against smallpox, typhoid, tetanus and against such other diseases as local conditions may require. Assignees who object will not be required to submit to immunization treatments but in lieu thereof will be required to sign a statement to the effect that they were offered such treatments and refused them. Such refusal will not exempt assignees from compliance with State and local health laws. Proper notations will be made on the assignee's camp record of the immunization treatments he has received. The standards for vaccinations and inoculations will be the same as those prescribed for the United States Army.

(c) The camp director, under the supervision of the camp physician, shall be responsible for holding the daily sick call. The camp director is responsible for the preparation, accuracy, and submission of such medical reports and records relating to the sick call, illness or injury of assignees as may be required from time to time by the Director of Selective Service. The camp director, with the advice of the camp physician, shall be responsible for camp sanitation and the camp shall be subject to inspection from time to time by representatives of the United States Public Health Service or the Director of Selective Service. The camp physician shall be available at all times for emergency calls.

(d) Assignees shall be instructed in and shall obey the rules of health, sanitation, and safety prescribed for the camp.

§ 691.14 *Welfare and recreation.* The welfare and recreation of assignees is the responsibility of the camp director. Such motor vehicles as are assigned to the camp may be used to provide transportation to the assignees for educational, religious, or recreational purposes under such rules as the technical agency operating the project and the Director of Selective Service may prescribe.

§ 691.15 *Education.* The educational program for assignees is the responsibility of the camp director. He may avail himself of such volunteer services as may be provided by members of the technical agency staff attached to the camp. On-the-job training is the responsibility of the project superintendent of the technical agency.

§ 691.16 *Furloughs and liberty.* (a) The camp director, with the concurrence of the project superintendent of the technical agency, may grant furloughs to an assignee at such times as he may be spared from his duties. No assignee may receive a furlough or furloughs in excess of a total of 30 days in any one year. Such furloughs shall include weekends and holidays falling within the furlough period. At the request of the project superintendent of the technical agency based upon unusual conditions such as fire hazards, emergency farm work, or short working season, the camp director will restrict or suspend the granting of furloughs to any or all men assigned to the camp. Such action may be taken by the camp director upon his own initiative whenever in his opinion circumstances render such restrictions or suspensions desirable. The number of assignees on furlough at any one time will not exceed 15% of the total number of assignees in a camp unless the authorization of the Director of Selective Service is first obtained.

(b) The camp director may grant liberty or leave to assignees during the hours outside of work hours. The camp director may restrict or suspend liberty or leave whenever in his opinion circumstances render such action desirable. A sufficient number of assignees will remain at the camp at all times to provide for watchman service and fire protection.

(c) The Director of Selective Service or the camp director may issue regulations governing furlough, liberty, and leave. The duty is hereby imposed on each assignee to abide by and obey such furlough, liberty, or leave regulations.

§ 691.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes or to violation of these regulations or camp rules issued under the authority of these regulations, or to a violation of furlough, liberty, or leave regulations, will be subject to such restriction of privileges, extra duty, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

(b) If an assignee is sought for violation of local, State, or Federal criminal statutes, he will be delivered to the appropriate authority upon proper warrant for his arrest being exhibited to the camp director. The camp director will make a full and immediate report to the Director of Selective Service through regular channels of all such arrests and the disposition of the matter. Upon receipt of the facts concerning such arrests and disposition, the Director of Selective Service will determine whether to submit such information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations.

(c) If, after reporting to camp, an assignee departs or absents himself from the camp without authority, the Director of Selective Service will be notified not later than the 11th day following such departure or absence. The Director of Selective Service may take the necessary steps to report the assignee to the proper United States Attorney as a violator of the Selective Training and Service Act of 1940, as amended. In addition, forfeiture of 3 days of furlough time for each day of unauthorized absence is mandatory.

(d) Refusal to work or perform other assigned duties, counseling or inciting others to refuse to work or perform assigned duties, or failure to abide by the rules and regulations promulgated by the camp director or the Director of Selective Service constitutes a violation of these regulations. A full and immediate report of any violation of such rules and these regulations will be made to the Director of Selective Service through regular chanels. If the reported conduct indicates that the asssignee may have been improperly classified, the Director of Selective Service may take the necessary steps to submit the information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations or the Director of Selective Service may report the assignee to the proper United States Attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(e) Loss of time of over 24 hours because of the assignee's absence without leave, sickness or injury due to his own misconduct, confinement by civil authorities following conviction, or willful failure to perform duties must be made up; *Provided,* That no assignee may be retained in camp longer than his maximum period of service as prescribed by law.

(f) Subject to the approval of the Director of Selective Service, the camp director may make and enforce such additional rules as he may deem appropriate for the operation of his camp and the carrying out of these regulations, and he has wide latitude in imposing such additional disciplinary action as he may deem necessary.

(g) Representatives of the technical agency having difficulties with assignees will refer all such cases to the camp director for appropriate action. If the camp director does not take appropriate action to correct the situation, the camp superintendent may report the case through the usual channels of his technical agency to the Director of Selective Service.

WORK PROGRAM

§ 691.21 *Allowable project work.* An assignee at a camp may be employed on any authorized work of the technical agency involved in the work program of the camp, including farm labor and overhead and maintenance of the camp. Work priority shall be determined by the technical agency.

§ 691.22 *Hours of work.* While there is no legal limitation of the number of hours that an assignee may be required to work in any given day or week, the usual hours will be determined from time to time by the Director of Selective Service. In addition, assignees will be subject to emergency calls by the project superintendent of the technical agency

on any day or night at any hour for the purpose of fighting forest fires or other emergencies affecting life or property.

§ 691.23 *Assignees in supervisory positions.* The project superintendent of the technical agency may designate such assignees as foremen and key men as he considers necessary for the operation of the project. Assignees so designated will be exempt from any rotation of duty system, will be trained to act as supervisors of other assignees, and will be responsible to the project superintendent of the technical agency for carrying out his orders and instructions.

§ 691.24 *Records and reports.* In accordance with instructions issued from time to time, the project superintendent of the technical agency will prepare such records and reports covering the work project as may be required. These reports will be forwarded to the Director of Selective Service through the technical agency concerned. They will be prepared so as to provide the Director of Selective Service with information as to the personnel available for the project work and a record of the work accomplished.

§ 691.25 *Safety program and accident reports.* (a) The applicable provisions of the Safety Manual formerly used by the Civilian Conservation Corps, with such modifications and additions as the Director of Selective Service may prescribe, are adopted for use as a safety program within the camp. A safety committee shall be organized as soon as a camp is placed in operation. This committee shall consist of the camp director, the project superintendent of the technical agency or his representative, and an assignee selected by the other members of the safety committee. The safety committee will hold meetings at stated intervals and will be responsible for the safety program.

(b) Any death or serious personal injury and any serious damage to either public or private property shall, within 24 hours of its occurrence, be reported by telegram to the Director of Selective Service, Washington, D. C. This report shall be made by the person charged with the duty of investigating and reporting the incident. The project superintendent of the technical agency is charged with the duty of investigating and reporting all such incidents involving assignees while under his supervision, and all such incidents connected with the work project or Government-owned vehicles. The camp director is charged with the duty of reporting all other such incidents.

The foregoing amendments to the Selective Service regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 4, 1944.

[F. R. Doc. 44-6437; Filed, May 5, 1944; 3:06 p. m.]

PART 692—RULES FOR GOVERNMENT-OPERATED CAMPS

[Amdt. 223]

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend Part 692 in its entirety to read as follows:

ORGANIZATION

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

WORK PROGRAM

ORGANIZATION

§ 692.1 *Camp responsibility.* The camp director will be appointed by the technical agency operating the camp. The camp director is responsible for all phases of camp operations; the work program, including maintenance of the camp and its environs; the protection of Government property; the maintenance of discipline; and the reception, food, clothing, shelter, allowances, recreation, health, education, and welfare of assignees.

§ 692.2 *Camp overhead.* The camp director is authorized to relieve assignees not in excess of the number authorized by the Director of Selective Service from the work project and to detail them to the performance of administrative and housekeeping duties of the camp.

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

§ 692.11 *Subsistence.* (a) The feeding of assignees is the responsibility of the camp director who will comply with such instructions as to balance, variety, and preparation of food as may be prescribed. Food will be provided without cost to the assignees. Basically, the ration will be the Army ration and its allowable substitutes as prescribed in AR 30-2210 (March 15, 1940) with such modifications as may be prescribed. Standard specifications for food as supplied for the Army or Navy will be applicable to such modifications. Ration-saving privileges may be allowed and the monetary value of the ration will be prescribed monthly.

(b) Representatives of the technical agency and of the Director of Selective Service who are fed at the camp will be charged for meals but not to exceed the value of the camp ration on a monthly basis of more than 25 cents for a single meal. Persons not officially connected with the camp will pay 25 cents per meal.

§ 692.12 *Clothing.* (a) No uniforms for assignees are prescribed.

(b) Each assignee will be provided with sufficient and proper clothing to perform his duties.

§ 692.13 *Medical care and hospitalization.* (a) The camp director is responsible for maintaining healthful and sanitary conditions within the camp and for providing assignees with proper medical, surgical and dental treatment. The maintenance of appropriate medical records is also the responsibility of the camp director. The technical agency operating the camp will provide a camp physician on a contract basis who, under the supervision of the camp director, will be responsible for the medical and surgical treatment of assignees and for their physical examinations and immunization treatments. The camp physician will also be responsible, under the supervision of the camp director, for maintaining the medical records at the camp. The services of qualified assignees may be used to assist the camp physician in the performance of any or all of his duties. The technical agency will make arrangements with the nearest suitable local hospital for the admission, on order of the camp director, of assignees who require hospitalization.

(b) All assigness should receive immunization treatments against smallpox, typhoid, tetanus and against such other diseases as local conditions may require. Assignees who object will not be required to submit to immunization treatments but in lieu thereof will be required to sign a statement to the effect that they were offered such treatments and refused them. Such refusal will not exempt assignees from compliance with State and local health laws. Proper notations will be made on the assignee's camp record of the immunization treatments he has received. The standards for vaccinations and inoculations will be the same as those prescribed for the United States Army.

(c) Assignees will be instructed in and shall obey the rules of health, sanitation, and safety prescribed for the camp.

§ 692.14 *Welfare and recreation.* (a) The welfare and recreation of assignees is the responsibility of the camp director.

(b) Ministers or other recognized representatives of religious organizations having members at the camp, as well as friends and relatives of assignees, should be allowed to visit freely, subject only to such restrictions as the proper operation of the camp and work project may require.

(c) A chaplain or educational advisor approved by the Director of Selective Service may live at the camp to assist and supplement the educational, welfare, and recreational program. He may be provided with quarters and subsistence at no greater cost than that paid by the administrative personnel attached to the camp. His activities must have the approval of the camp director and he must conform to the general rules for the conduct of the camp.

(d) Motor vehicles assigned to the camp may be used to provide transportation of the assignees for educational, recreational, or religious purposes under such rules as the technical agency operating the camp and the Director of Selective Service may prescribe.

§ 692.15 *Education.* The camp director is responsible for training in first-aid, health and sanitation, safety, disaster and rescue work, and job training. All technical agency personnel will be available for use in connection with the educational program. All assignees will be required to take part and the services of qualified assignees may be used. The camp director should assist and encourage the formation of volunteer classes according to the needs and desires of the assignees.

§ 692.16 *Furloughs and liberty.* (a) The camp director may grant furloughs to an assignee at such times as he may be spared from his duties. No assignee may receive a furlough or furloughs in excess of a total of 30 days in any one year. Such furloughs shall include weekends and holidays falling within the furlough period.

(b) The camp director may temporarily restrict or suspend the granting of furloughs to any or all assignees whenever, in his opinion, the circumstances render such restrictions or suspensions desirable. The number of assignees on furlough at any one time will not exceed 15% of the total number of assigneees in a camp unless the authorization of the Director of Selective Service is first obtained.

(c) The camp director may grant liberty or leave to assignees during the hours outside of work hours. The camp director may restrict or suspend liberty or leave whenever in his opinion circumstances render such action desirable. A sufficient number of assignees will remain at the camp at all times to provide for watchman service and fire protection.

(d) The Director of Selective Service or the camp director may issue regulations governing furlough, liberty, and leave. The duty is hereby imposed on each assignee to abide by and obey such furlough, liberty or leave regulations.

§ 692.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes or to violation of these regulations or camp rules issued under the authority of these regulations, or to a violation of furlough, liberty, or leave regulations, will be subject to such restriction of privileges, extra duty, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

(b) If an assignee is sought for violation of local, State, or Federal criminal statutes, he will be delivered to the appropriate authority upon proper warrant for his arrest being exhibited to the camp director. The camp director will make a full and immediate report to the Director of Selective Service through regular channels of all such arrests and the disposition of the matter. Upon receipt of the facts concerning such arrests and disposition, the Director of Selective Service will decide whether to submit such information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations.

(c) If, after reporting to camp, an assignee departs or absents himself from camp without authority, the Director of Selective Service will be notified not later than the 11th day following such departure or absence. The Director of Selective Service may take the necessary steps to report the assignee to the proper United States Attorney as a violator of the Selective Training and Service Act of 1940, as amended. In addition, forfeiture of three days of furlough time for each day of unauthorized absence is mandatory.

(d) Refusal to work or perform other assigned duties, counseling or inciting others to refuse to work or perform assigned duties, or failure to abide by the rules and regulations promulgated by the camp director or the Director of Selective Service constitutes a violation of these regulations. A full and immediate report of any violation of such rules and these regulations will be made to the Director of Selective Service through regular channels. If the reported conduct indicates that the assignee may have been improperly classified, the Director of Selective Service may take the proper steps to submit the information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations or the Director of Selective Service may report the assignee to the proper United States Attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(e) Loss of time of over 24 hours because of the assignee's absence without leave, sickness or injury due to his own misconduct, confinement by civil authorities following conviction, or willful failure to perform duties must be made up: *Provided*, That no assignee may be retained in camp longer than the maximum period of service prescribed by law.

(f) After compliance with paragraph (g) of this section, the camp director has the following punitive powers which he may exercise singly or in combination:

(1) Admonition.

(2) Suspension of privileges.

(3) Assignment of extra work outside of usual working hours.

(4) Cancellation of furlough privileges subject to the approval of the Director of Selective Service.

(5) Forfeiture of three days of furlough time for each day of unauthorized absence. This provision is mandatory in every case where unauthorized absence is established.

(g) Before exercising any of the punitive powers under paragraph (f) of this section, the following procedure will be had:

(1) The charge and any evidence in support thereof will be placed in written form, dated and signed by the person making the charge or furnishing the evidence, and copies delivered or read to the accused assignee. The original charge and such evidence will be inserted in the Camp Punishment Book in which will be noted also the date and time at which a copy of the charge and evidence were delivered or read to the accused assignee. Within 24 hours of the time when a copy of the charge and evidence were delivered or read to the accused assignee, he may file with the camp director a written answer to the charge and written statements of any witnesses in support of his answer. The answer and written statements shall be inserted in the Camp Punishment Book. Promptly after the expiration of such 24-hour period, the camp director shall render judgment on the charge and answer, if any, shall reduce the judgment to writing, and shall insert the written judgment in the Camp Punishment Book. The judgment shall be read to or a copy delivered to the accused assignee. The camp director shall make a notation in the Camp Punishment Book of the date and time at which the judgment was read to or a copy was delivered to the accused assignee.

(2) The assignee may appeal from the judgment of the camp director to the Director of Selective Service. Such appeal may be taken at any time within three days of the day on which a copy of the judgment was delivered or read to him. The appeal shall be in writing but need not be in any particular form and shall be delivered to the camp director. When such appeal is taken by the accused assignee, he may at the same time file with the camp director such additional information as he wishes to call to the attention of the Director of Selective Service. The camp director will promptly forward any appeal to the Director of Selective Service and will attach thereto copies of the following documents: The charge, any evidence in written form in support of the charge, the answer if any, any evidence in written form in support of the answer, any additional information which the assignee may have filed with the appeal, and the judgment. The camp director will also forward to the Director of Selective Service a transcript of all other entries made in the Camp Punishment Book concerning the matter and the accused assignee.

(3) The judgment of the camp director shall not be carried out during the time afforded the accused assignee to take an appeal to the Director of Selec-

tive Service or during the time such appeal is pending.

(h) A brief summary of the information entered in the Camp Punishment Book, as provided in the foregoing paragraph, will be made and initialed by the camp director in the assignee's camp record.

(i) The forfeiture of furlough time will in all cases be promptly reported by the camp director to the Director of Selective Service.

WORK PROGRAM

§ 692.21 *Allowable work project.* An assignee at a camp may be employed on any authorized work of the technical agency involved in the work program of the camp, including farm labor and the overhead and maintenance of the camp. Work priority shall be determined by the technical agency.

§ 692.22 *Hours of work.* While there is no legal limitation on the number of hours an assignee may be required to work in any given day or week, the usual hours of work will be determined from time to time by the Director of Selective Service. In addition, assignees will be subject to emergency calls by the camp director on any day or night at any hour for the purpose of fighting forest fires or other emergencies affecting life or property.

§ 692.23 *Assignees in supervisory positions.* The camp director may designate such assignees as foremen and key men as he considers necessary for the operation of the camp or project. Assignees so designated will be responsible to the camp director and shall carry out his orders and instructions.

§ 692.24 *Records and reports.* The camp director will be responsible for the preparation and forwarding of such records and reports covering the operation of the camp and project as may be required from time to time by either the technical agency operating the camp or by the Director of Selective Service. Normally, these reports will be made through the regular channels of such technical agency with such exceptions as the Director of Selective Service may find necessary.

§ 692.25 *Safety program and accident reports.* The applicable provisions of the Safety Manual formerly used by the Civilian Conservation Corps with such modifications and additions as the Director of Selective Service may prescribe shall be used in the safety program within the camp. The same duties and responsibilities as are assigned to the company commander or camp superintendent in the Safety Manual of the Civilian Conservation Corps are imposed upon the camp director who is responsible for the safety program. A safety committee will be organized on which is imposed the same duties and responsibilities as are assigned to a safety committee in a camp in the Safety Manual of the Civilian Conservation Corps. Such committee shall consist of the camp director, the two chief administrative assistants, the camp physician, and one assignee to be chosen by the other members of the committee. The Director of Selective Service has the same duties and responsibilities concerning the safety program at a camp as were assigned to the director of the Civilian Conservation Corps in the Safety Manual of the Civilian Conservation Corps.

§ 692.26 *Camp rules.* Rules promulgated by the camp director for the administration of his camp will constitute rules issued pursuant to these regulations when notice has been duly given by posting the same on the camp bulletin board for a period of not less than 24 hours.

The foregoing amendment to the Selective Service Regulations shall be effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the Continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 4, 1944.

[F. R. Doc. 44-6436; Filed, May 5, 1944; 3:06 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24, Supplement 1, as Amended May 5, 1944]

SIGNAL AND ALARM EQUIPMENT

The following supplement to Directive 24 is issued pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1943, and War Production Board Regulation No. 1 as amended December 31, 1943, and is to facilitate the protection of War Housing projects.

§ 903.36a *Supplement 1 to Directive 24*—(a) *Purpose.* General Limitation Order L-39 as amended February 16, 1944, contains the provision, among others, that no person shall sell, deliver or install any signal or alarm equipment costing $50.00 or more except to or for the account of any person who has been specifically authorized by the War Production Board on Form WPB-1319 to receive the specific equipment. The purpose of this delegation is to enable the Federal Public Housing Authority to issue in the name of the War Production Board certain authorizations contemplated by the provisions of Order L-39.

(b) *Delegation of authority.* The Director of the Priorities Division of the Federal Public Housing Authority may issue in the name of the War Production Board on Form WPB-1319 authorizations to receive signal or alarm equipment (as defined in Order L-39) for use in projects under the jurisdiction of the Federal Public Housing Authority, subject to the following conditions:

1. A copy of every authorization on Form WPB-1319 shall be transmitted immediately after issuance to the Safety and Technical Equipment Division of the War Production Board.

2. The issuanee of such authorizations shall be subject to any instructions in writing from the Program Vice Chairman of the War Production Board.

3. Such authorizations on Form WPB-1319 shall be signed substantially as follows:

WAR PRODUCTION BOARD,
By _____,
(Title) _____
of the Federal Public Housing Authority.

(c) *Redelegation.* The Director of the Priorities Division of the Federal Public Housing Authority may exercise the authority delegated in this supplement through such officials as he may determine, but not more than two officials in each Region established by the Federal Public Housing Authority.

(d) *Expiration.* The authority delegated by this supplement or redelegated pursuant to its provisions shall expire at the end of the sixtieth day after March 24, 1944, but the expiration shall not affect the validity of any prior actions properly taken.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of May 1944.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-6463; Filed, May 5, 1944; 4:45 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDER

[Suspension Order S-544]

C. S. WETHERILL, JR.

C. S. Wetherill, Jr., of Bristol, Pennsylvania is engaged in the wholesale and retail lumber and building material supply business. During the period from July 7, 1943, to November 16, 1943, he accepted orders for, and sold, delivered or caused to be delivered, material to John Polombo of Bristol, Pennsylvania, for two construction jobs, one at Edgley, Pennsylvania, and the other at 821 Pond Street, Bristol, Pennsylvania, at an estimated cost of construction of $1,811.71 and $769.58, respectively; he knew or had reason to believe that the materials were to be used in violation of Conservation Order L-41. These acts constituted wilful violations of Conservation Order L-41. During the period from July 7, 1943, to September 17, 1943, he made seventeen

deliveries of softwood lumber as defined in Conservation Order M–208 to John Polombo of Bristol, Pennsylvania. At the time of making these deliveries, respondent had reason to believe that the lumber was to be used in violation of Conservation Order M–208; the making of these deliveries constituted wilful violation of Conservation Order M–208.

These violations of Conservation Orders L–41 and M–208 have diverted scarce materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered that:

§ 1010.541 *Suspension Order No. S–541.* (a) Deliveries of material to C. S. Wetherill, Jr., his successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made directly or indirectly to C. S. Wetherill, Jr., his successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve C. S. Wetherill, Jr., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 5, 1944, and shall expire on July 5, 1944.

Issued this 28th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–6462; Filed, May 5, 1944; 4:45 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 19, as Amended May 6, 1944]

FARM SUPPLIES

§ 944.40 *Priorities Regulation No. 19*—(a) *What this regulation does.* This regulation tells how a farmer gets a priority to buy farm supplies from a dealer for use in his farm work and how a dealer gets a priority to maintain his stock of farm supplies. The kinds of farm supplies which are covered by this regulation are only those listed in paragraph (m) of this regulation.

(b) *How a farmer gets farm supplies from his dealer.* (1) Whenever a farmer orders farm supplies on the list from a dealer who has them in stock, the dealer must fill the order if the farmer gives him a signed certificate as follows:

I certify to the War Production Board that I am a farmer and that the supplies covered by this order are needed now and will be used for other than household purposes in the operation of a farm.

The dealer may sell the supplies to the farmer without a certificate, but the dealer must get a certificate at the time he sells if he wants to use it to get a priority for replacing the supplies in his inventory, as explained in paragraph (d) and paragraph (e) below.

(2) If a farmer wants to use the above certificate to get farm supplies which are not in the dealer's stock, except items on the list marked "*", he may do so by giving the dealer his order and a certificate. In that case the dealer may accept the certificate, and use it to get a priority on his own order for the supplies the farmer wants, as explained in paragraph (d). Supplies obtained in this way by the dealer must be sold first to those farmers who left their orders with him and gave him their certificates.

(3) A farmer may also use this certificate at a repair shop to get a priority on the use of its equipment in repairing his farm equipment.

(4) A farmer's order for repair services or for farm supplies listed in paragraph (m) (1) and supported by a certificate is the same as an order rated AA–2x. A farmer's order for farm supplies listed in paragraph (m) (2) and supported by a certificate is the same as an order rated AA–3.

(c) *Farmers' certificates must be approved by rationing committees in the case of large purchases.* If a farmer wants to use a certificate to buy more than $50 worth at one time of any item on the list, he must first get his certificate approved in writing by the County Farm Rationing Committee.

(d) *How a dealer gets his stock of farm supplies.* (1) A dealer can use the farmers' certificates which he collects to get priority on his own orders for listed farm supplies. Paragraph (e), below, tells how to get supplies on the list marked "*". A dealer can get a priority on 75 cents worth of other supplies on the list, ordered by him from suppliers at wholesale prices, for each dollar's worth of supplies bought or ordered from him at retail prices by farmers who gave him certificates. (If he buys direct from the manufacturer, he may proceed only as explained in paragraph (f).) When the dealer orders supplies to replace what he has sold, he does not need to use the certificates to get the same kind of supplies he sold, but can use them to get any kind of farm supplies on the list except those marked "*". If the dealer sends for supplies to fill farmers' orders on hand, he can use his certificates only to get the supplies which the farmers have ordered.

(2) To get the priority, the dealer signs the following statement on the purchase order which he places with his supplier:

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than 75% of the sales price of farm supplies which I have sold or for which I have received orders under Priorities Regulation No. 19 against farmers' certificates now in my possession, and that I have not used the same certificates as the basis for getting a priority on any other order.

(3) In the special case of a dealer, such as a farmers' cooperative, a creamery, a milk-receiving station, or a dairy processing plant, all of whose sales of listed farm supplies are made at cost or at a mark-up not exceeding 3% of cost, the provisions of paragraph (d) (1) apply except that such a dealer can get priority on supplies on a dollar-for-dollar basis using the following certificate in place of that provided in paragraph (d) (2):

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than the sales price of farm supplies which I have sold or for which I have received orders at cost or within 3% of cost under Priorities Regulation No. 19 against farmers' certificates now in my possession and that I have not used the same certificates as the basis for getting a priority on any other order.

(4) Each dealer must keep for at least two years all farmers' certificates which he receives, and whenever he uses a certificate as a basis for a priority he must mark the certificate to show which of his own orders he has used it for.

(5) An order for farm supplies bearing one of the above certifications by the dealer placing the order must be filled by the supplier with whom it is placed, unless he is a manufacturer of those supplies. (Paragraph (f) explains how to get supplies from a manufacturer.) Certified dealers' orders for farm supplies listed in paragraph (m) (1) are to be filled as if they were rated AA–2x. Certified dealers' orders for farm supplies listed in paragraph (m) (2) are to be filled as if they were rated AA–3. However, these are technically not preference ratings, and suppliers may not extend them.

(6) [Deleted May 6, 1944]

(e) *Dealers use different methods in getting certain items.* (1) A dealer may not use the method explained in paragraph (d) above to get the steel items which are marked "*" on the list in paragraph (m), because these are things which the War Production Board handles as "controlled materials." If the item is marked "*", and he has sold it to fill orders accompanied by farmers' certificates, he can get it replaced by an equal quantity of the same or other basic steel

products under Order M–21–b–1, or Order M–21–b–2. A dealer handling these items should become familiar with these orders, or his supplier should explain them to him.

(2) The War Production Board may issue orders or regulations making priorities inapplicable to certain items. If any items on the list become subject to these special rules, the dealer's supplier cannot recognize the dealer's certificate as giving him a priority on them. Farmers' certificates can still be used to buy such items from the dealer and the dealer can use the certificates as a basis for a priority for buying other items on the list under paragraph (d) above. For example, Priorities Regulation No. 3 restricts the use of ratings for items on List A of that regulation, but the restrictions of List B (regarding maintenance, repair and operating supplies) do not apply to orders for farm supplies under this regulation.

(f) *How to get farm supplies from manufacturers.* Suppliers, and dealers who buy direct from manufacturers, can get farm supplies from manufacturers either by placing unrated orders, or by using any ratings given them on Form WPB–547 or under other orders and regulations of the War Production Board. They may not extend an AA–2x or AA–3 rating to a manufacturer on the basis of farmers' certificates or dealers' certificates. The War Production Board may sometimes use special ways to get farm supplies to suppliers or direct buying dealers, including the following:

(1) In cases of urgent need the War Production Board may tell manufacturers of farm supplies, other than those marked "*," to make part of their production available only to suppliers and direct buying dealers who show that they serve the farm trade. Whenever this is done, it will be publicly announced by the War Production Board. Farm suppliers and dealers will be told at that time how to get these supplies from the manufacturers, and how they must distribute the supplies in order to meet urgent farm requirements.

(2) Sometimes the War Production Board may decide to give special help on Form WPB–547 to suppliers and direct buying dealers serving the farm trade. The way to ask for help and the kind of help to be given them will be publicly announced at the proper time. Usually they will have to give the War Production Board some sort of special certification or special information on their WPB–547 applications. Until the way to get special help is announced, they can file their WPB–547 applications as usual.

(g) *Effect of this regulation on ordinary sales of farm supplies.* Suppliers and dealers may sell farm supplies not only to persons furnishing certificates under this regulation but also to other persons, as long as certified orders are given the priority to which they are entitled. Moreover, suppliers and dealers may extend in the usual way any preference ratings received from their customers for farm supplies.

NOTE: Paragraphs (h), (i) and (j), formerly paragraphs (f), (g) and (h), redesignated May 6, 1944.

(h) *Penalty for violations.* Any person who makes a false statement in a certificate to get a priority on farm supplies is guilty of a crime and may be punished by a fine or imprisonment.

(i) *What is meant by "farmer".* As used in this regulation, "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who just has a "victory garden" or raises food or other agricultural products entirely for his own use.

(j) *What is meant by "dealer".* "Dealer" means any person engaged in the business of selling farm supplies directly to farmers, including a mail order house.

(k) *What is meant by "supplier".* "Supplier" means any person engaged in the business of selling farm supplies, which he does not manufacture himself, to dealers.

(m) *What farm supplies are covered.* This regulation covers only new farm supplies of the kinds listed in this paragraph which are needed and will be used by a farmer in farm work. It does not cover supplies bought for household use, for use on the farm house, or for use in any construction job for which the farmer has been given other priorities to get the materials required.

NOTE: Lists amended May 6, 1944.

(1) Farmers and dealers can get a priority equivalent to AA–2x for the following:

Agricultural containers, wooden, for "on farm" use only (excluding containers required for shipping or delivery purposes):
- Baskets
- Boxes
- Field crates
- Cases
- Hampers

Axes
Barn door hangers
Barn door track
Bars:
- Crow
- Wrecking

Dry batteries for the following devices:
- Flashlights
- Electric fence controllers
- Telephones
- Ignitions

Belts for power transmission
Belt fasteners, metal, for power transmission belts
Bit braces
Bits:
- Auger, solid center, hand operated
- Drill, carbon steel blacksmith
- Drill, carbon steel straight shank
- Plane
- Screwdriver

Blow torches
Blowers, forge, hand operated
Boilers, agricultural
Bolts and nuts, including heel and wedge
Brooms, barn type
Brushes:
- Cleaning
- Motor and generator repair
- Paint and varnish
- Cream separator
- Wire

Buckles, binder canvas
Bush hooks
- *Cable, hay stacker (wire rope)

Cans, five gallon kerosene and gasoline
Caps:
- Fence post driving
- Well pipe driving

Chains:
- Drill cover
- Halter and cow tie
- Harness
- Hooks
- Log
- Malleable detachable
- Repair links
- Steel detachable
- Tractor tire
- Welded coil

Chisels:
- Cold
- Wood

Clevises and swivels
Clippers, bolt
Coils, spark
Combs, curry
Compound:
- Pipe joint
- Valve grinding

Concrete block machines, hand operated
Corn hooks
Cotter pins
Countersinks
Dibbles
Drills, manually operated:
- Breast
- Hand
- Post
- Push

Extinguishers, fire:
- Back pack type
- Pump tank type
- 1 quart and 1½ quart vaporizing liquid type.

Fencing:
- Crib and silo
- *Woven or welded wire

Files
*Flashing
Flashlights
Fluxes:
- Soldering
- Welding

Forges, portable type, hand operated
Forks, agricultural, except harpoon and grapple hay forks
Funnels
Fuses, electric
Gauges, tire pressure
Gloves, canvas
Goggles
Grab hooks
Grease fittings and oil cups
Grease guns, hand operated
Grinders for sharpening tools (excluding grinders equipped with electric motors)
Grinding wheels
Grindstones
Grub hoes
Hack saw blades
Hack saw frames
Hammers
Hand cultivators, not wheel type

Hand sprayers, under 1 quart
Handles:
  Small tool
  Steel goods
Hardies
Hardware, builders
Hardware cloth
Harness
Harness repair tools
Hatchets
Heaters, hot water, for dairy use
Hoes
Hoists, hand operated
Horse collars
Horseshoe tongs
Hose, lawn or garden
Jacks, truck or machinery
Knives:
  Beet topping
  Boning
  Butcher
  Corn
  Draw
  Grafting
  Hay
  Hoof
  Pocket
  Pruning
  Putty
  Skinning
  Sticking
  Stockmen's
  Tobacco
Ladders:
  Extension
  Fruit picking or orchard
  Step
  Straight taper
Lanterns:
  Liquid fuel
  Electric
Levels:
  Carpenters'
  Farm
  Line
Light controls, poultry house
*Line shafting
Line shaft fittings:
  Bearings
  Collars
  Couplings
  Hangers
Load binders
Mattocks
Mauls
Measures:
  Dry
  Liquid
Mixers, concrete, less than 3½ cubic feet batch capacity
Motors, electric, under 1 H. P.
*Nails including horseshoe nails (excluding tacks, wire shoe nails, copper and copper base alloy nails)
Neckyoke irons
Nippers, hoof
Oilers, farm machine
Packing, mechanical
Pads, collar
Padlocks
Pails, galvanized
Peavies
Picks:
  Coal
  Ice
  Railroad
Pincers:
  Blacksmiths'
  Carpenters'
Pins:
  Blanket
  Clevis
*Pipe:
  Standard black and galvanized 4" O. D. and smaller
  Well casing (fabricated by pipe mills)
*Pipe couplings
Pipe fittings, cast or malleable iron
Pipe reamers
Planes, hand operated
Pliers:
  Fence
  Slip joint
  Wire cutting
*Posts, fence, metal
Post hole diggers, hand operated
Potato hooks
*Poultry flooring, metal
*Poultry netting
Pruners:
  Shrub or bush
  Tree
Pulleys:
  Hay fork
  Power transmission
Pumps:
  Barrel
  Dispensing, hand rotary
  Tire
Punches:
  Center
  Drift
  Leather
  Machine
  Pin
Rakes, hand
Rasps:
  Hoof
  Wood
Repair parts for electric motors and generators
Repair parts for tools
Respirators
*Ridge roll
Rivets and rivet washers
*Rods, reinforcing
*Roofing, metal
Rope, 1 inch and smaller (not wire rope)
Saddles, stock
Saw blades
Saw fitting tools:
  Clamps
  Sets
  Swages
Saw mandrels
Saws, hand operated
Scales, portable platform (costing less than $50.00)
Scoops:
  Grain
  Potato
Scrapers:
  Barn
  Poultry house
Screen, fly
Screwdrivers
Screws
Scythe blades
Scythes
Sediment tester discs
Shears:
  Pruning
  Sheep, hand
Shovels and spades including snow shovels
Sickle cones
Singletree irons
Snaths
Snips, tin
Solder
Soldering coppers, non-electric
Sprockets
Squares, carpenters':
  Combination
  Steel
  Try
Staple pullers, fence
*Staples, fence and netting
Sterilizing preparations
Stones, sharpening
Strainer flannels
Strainer discs
Stretchers, fence
*Structural steel shapes such as I-beams, channel irons, angle irons, flat rods, square rods, round rods, etc.
Switches, electric:
  Motor control
  Safety
Tackle blocks
Tanks, wooden water storage (not stock watering tanks)
Tarpaulins
Thermometers:
  Brooder
  Dairy
  Hot bed
  Outdoor
  Seed treating
  Syrup
Thermostats
Threading equipment:
  Dies
  Tap and die holders
  Taps
Tire irons
*Tobacco flue sheets
Tongs
  Blacksmiths'
  Ice
Tubes, drill
Turnbuckles
V-belt drives
*Valley tin
Valves:
  Brass, bronze, or iron body gate, globe, angle or check.
  Relief, for water systems, up to and including 1¼".
Ventilating equipment:
  Barn
  Poultry house
Vises
Washers:
  Lock
  Wrought
Washing preparations, soapless
Webbing, harvester
Wedges
Welding rods and electrodes including hard surfacing rods
Wheel pullers
Wheelbarrows:
  Steel, for dairy use only
  Wooden
Window materials, glass substitute
Window glass
*Wire, barbed
*Wire bale ties
*Wire mesh, reinforcing
Wiring materials and fixtures not including bare and insulated copper wire other than fixture wire incorporated in fixtures
Wood preserving materials
Wrenches

(2) Farmers and dealers can get a priority equivalent to AA-3 for the following:

Blocks, building
Brick
Cement, portland
Insulating materials:
  Bat or blanket type
  Board type
  Fill type
Lumber substitutes:
  Cement-asbestos board (¼" or less)
  Structural board
  Insulating board
Roofing and siding:
  Cement-asbestos
  Composition
  Slate
  Tile
Tile:
  Field drain
  Flue
  Structural

Issued this 6th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Superseded May 6, 1944.

[F. R. Doc. 44-6471; Filed, May 6, 1944; 11:00 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-543]

WALTON INDUSTRIES, INC.

Walton Industries, Inc., is a corporation doing business at 30 Ionia Avenue, S. W., Grand Rapids, Michigan. During the period from January 1, 1944, to April 5, 1944, it violated General Limitation Order L-81 in that it processed, fabricated, worked on and assembled between 6,000 and 10,000 toys in the form of wagons. These wagons were on four wheels with a box or body approximately twenty-eight inches by thirteen inches by three and one-half inches, and with a handle approximately twenty-six inches long; they were made of wood, steel and rubber, and were toys as defined in General Limitation Order L-81. The responsible officers of Walton Industries, Inc., were aware of General Limitation Order L-81 and these actions must be deemed to constitute wilful violations of General Limitation Order L-81.

These violations of General Limitation Order L-81 have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.543 *Suspension Order No. S-543.* (a) Walton Industries, Inc., its successors and assigns, shall not directly or indirectly process, fabricate, work on, or assemble any four wheel wagons (or parts thereof) containing any material prohibited by General Limitation Order L-81 with a body or box approximately twenty-eight inches by thirteen inches by three and one-half inches, or any wagons (or parts thereof) of this type or similar thereto, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Walton Industries, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 6, 1944.

Issued this 29th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6493; Filed, May 6, 1944; 4:31 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 49]

ACCEPTANCE OF ORDERS AND SHIPMENT OF ALUMINUM INGOT (INCLUDING PIG, BILLETS, SLABS AND SIMILAR RAW FORMS)

The following direction is issued pursuant to CMP Regulation 1:

(a) This direction explains the conditions under which aluminum ingot producers and smelters may accept orders for and make shipment of aluminum ingot, and the method of reporting such shipments on Form WPB-2593 (formerly CMP-23). The term "ingot", as used in this direction includes pig, slabs, billets, shot and similar other raw forms. It does not include powder, flake, paste or pigment.

(b) Aluminum ingot may be delivered only to fill authorized controlled material orders and "AM" orders as follows:

(1) *Authorized Controlled Material Orders.* (i) Placed by the War Department only and bearing the symbol "W" or "O". The War Department will order ingot only for use in their own establishments.

(ii) For export under a program of the Foreign Economic Administration. These orders for aluminum ingot will bear allotment numbers in the "E" or "L" series and may be placed by the United States Treasury Department, or by another person on the basis of an export license.

(iii) Bearing CMP allotment numbers of which the first four digits follow in the series S-2950 through S-2975. Allotments are made in this series only for destructive or similar direct use of aluminum. Application for allotments for these purposes should be made on Form WPB-2360 to the War Production Board, Washington 25, D. C.

(iv) Bearing the CMP allotment symbols "MRO-P-43" or "V-9". These symbols are used by persons purchasing aluminum ingot for experimental and research work under Order P-43.

(v) For use in casting patterns by foundries which do not have AM authorization numbers. Such orders should be designated "MRO patterns".

No other CMP allotment symbols are acceptable as authority for shipment of aluminum ingot. In any instance, in which the consumer wishes to purchase aluminum ingot under the MRO symbol, except for those uses permitted under paragraphs (b) (1) (iv) and (b) (1) (v), above, he should be referred to the Ingot Section of the Aluminum and Magnesium Division.

(2) "AM" orders bearing a number in the series listed below: [1]

AM-0100 through AM-0499 usable by producers and smelters of aluminum ingot.

AM-0500 through AM-0599 usable by aluminum powder manufacturers.

AM-1000 through AM-1099 usable by producers of aluminum rolled rod and bar.

AM-1100 through AM-1199 usable by producers of aluminum rolled structural shapes.

AM-3000 through AM-3999 usable by aluminum forge shops.

AM-4000 through AM-4099 usable by producers of aluminum extruded products.

AM-6000 through AM-6099 usable by producers of aluminum sheet, strip and plate.

AM-7000 through AM-9499 usable by aluminum foundries and die casting plants.

No other "AM" authorization numbers are acceptable for the shipment of aluminum ingot. An "AM" order placed with an ingot producer as provided above must be accepted and filled as though it were an authorized controlled material order.

(c) In reporting shipments of ingot on Form WPB-2593, show the full CMP allotment number if it falls in the S-2950 to S-2975 series. Only the abbreviated CMP allotment number (Claimant Agency letter and first program number) need be shown for shipments on allotment numbers in the "E", "L", "O", or "W" series. For shipments on "AM" numbers show the full "AM" authorization number.

(d) Any questions concerning authorization for the movement of aluminum ingot should be addressed to the attention of the Ingot Section, Aluminum and Magnesium Division, War Production Board, Washington 25, D. C.

(e) This direction supersedes aluminum directive P-8, dated October 1, 1943, and any previous instructions or directives relative to the acceptance of orders for shipment of aluminum ingot, and paragraph (t) (3) (i) of CMP Regulation No. 1. Aluminum Directive No. P-3, dated July 15, 1943, to "approved" aluminum smelters is hereby revoked.

Issued this 8th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6531; Filed, May 8, 1944; 11:17 a. m.]

[1] (See paragraph (b) (2)). Footnote: Orders for aluminum ingot are identified by authorization numbers preceded by the symbol "AM". These numbers are assigned to aluminum producers, smelters, fabricators, and foundries as authority to purchase of aluminum ingot or other raw material stock for further fabrication into other forms of aluminum controlled materials. If a person or firm wishes to purchase aluminum ingot for such fabrication and does not have such an authorization number, he should be referred to the Ingot Section, Aluminum and Magnesium Division, War Production Board.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, Direction 2]

TOBACCO FLUE SHEETS

The following direction is issued pursuant to CMP Regulation 4:

Distributors of hot rolled carbon steel sheets must accept orders until June 30, 1944 for Tobacco Flue Sheets which can be filled out of their stock bearing the following certification:

The undersigned represents to the seller and to the War Production Board that the sheet steel specified on this purchase order is to be used only for the manufacture of flues, used in the process of curing tobacco, and such sheets when fabricated will only be sold for such purpose.

----------(Signature)

----------(Title)

----------(Company)

Tobacco Flue Sheets, sold on such certifications, may not be replaced in stock, under the provisions of Order M-21-b-1 except as provided by special direction of the War Production Board.

Issued this 8th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6530; Filed, May 8, 1944; 11:17 a. m.]

PART 3281—PULP AND PAPER [1]

[Limitation Order L-120, Schedule X, as Amended May 8, 1944]

HOUSEHOLD WAX PAPER ROLLS IN CUTTER BOXES

§ 3281.26 [1] *Schedule X to Limitation Order L-120*—(a) *Standard ream count.* Basis weights for wax paper used in household rolls for enclosure in cutter boxes shall be calculated by reference to a standard ream of 500 sheets 24" x 36",

[1] Formerly Part 1223, § 1223.11.

with a tolerance of 7½%, after waxing, over or under the specified weight, instead of by reference to the ream of 480 sheets 24" x 36" heretofore used.

(b) *Restrictions on basis weight, width and length.* Except as provided in paragraph (f) of this schedule, no person shall manufacture waxed paper household rolls for enclosure in cutter boxes:

(1) Out of paper of any basis weight except 18# and/or 21#, after waxing, calculated according to the provisions of paragraph (a) of this schedule;

(2) In any width greater than 12 inches, subject to a tolerance of 5%;

(3) In any length less than 125 feet;

(4) In more than two different lengths.

Each manufacturer shall immediately select the two particular lengths (neither less than 125 feet) in which he proposes to manufacture such rolls, shall furnish such information concerning his selection as may be requested from time to time, shall keep records and samples of his selection readily available for inspection by representatives of the War Production Board, and hereafter shall not without specific authorization by the War Production Board, manufacture such rolls in any other lengths. Specific authorization to change the original selection may be applied for by letter, in triplicate, describing the lengths originally selected, the proposed new length or lengths, and the reason why the change is necessary.

NOTE: Former paragraph (c) deleted; former paragraph (d), (e) and (f) redesignated (c), (d), and (e) May 8, 1944.

(c) *Restrictions on weight of cores, size and type of cutter boxes, and number of cutter boxes per shipping case.* (1) No manufacturer shall wind waxed paper household rolls for enclosure in cutter boxes on cores or tubes which in weight exceed 25 lbs. per 1000 rolls, or package any such rolls in cutter boxes made in violation of the provisions of Table III of Schedule IV to Limitation Order L-239. For convenience, a copy of this table is included, as follows:

TABLE III—WAXED PAPER CUTTER BOXES

(a) No person shall manufacture any cutter boxes for packaging rolls of waxed paper excepting in accordance with the following maximum specifications:

(1) Box dimensions: $2\frac{11}{16}$" x $2\frac{11}{16}$" x $12\frac{3}{8}$".

(2) Quality of paperboard, no higher than bleached manila lined news, basis 70 sheets per 50 lb. bundle.

(2) When packing such rolls for shipment each manufacturer shall pack the same in multiples of a dozen, with a minimum of 36 per shipping case, except that cutter boxes containing rolls of 200 feet or more in length may be packed a minimum of 24 per shipping case.

(d) *Prohibition of new designs and brands.* No manufacturer or distributor of waxed paper household rolls in cutter boxes shall use on or in connection with the cutter boxes for such rolls any trade design or brand the original plates for which were not in existence on or before February 20, 1943.

(e) [Deleted May 8, 1944]

Issued this 8th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6527; Filed, May 8, 1944; 11:17 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-185, as Amended May 8, 1944]

WATER HEATERS

§ 3288.51 *General Limitation Order L-185*—(a) *Definitions.* (1) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(2) "Direct fired water heater" means any device for the direct transference of heat produced by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a domestic hot water supply system. The term includes, but is not limited to, coils, side-arm water heaters, bucket-a-day stoves, laundry stoves, dome type water heaters, service water tank heaters, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters, and solar water heaters. The term does not include any tank used in conjunction with any direct fired water heater, the manufacture of which is governed by Limitation Order L-199, any low pressure cast iron boiler designed for the purpose of heating water to provide heat for the interior of a building by means of circulating steam or hot water.

(3) "Indirect water heater" means any device to which steam or hot water is piped for the transference of the heat of such steam or hot water to the water of a hot water supply system, or the water of a hot water space heating system. The term includes, but is not limited to, coils, side arm water heaters, storage water heaters, submerged type water heaters, hot water generators, and preheaters, also instantaneous or continuous flow water heaters having coil bundles 12 inches in diameter or less, (if other than circular in cross section and the internal cross section area is 113 square inches or less). The term does not include any heat exchanger having coil bundles greater than 12 inches in diameter, or any tank used in conjunction with any indirect water heater, the manufacture of which is governed by Limitation Order L-199. It is not intended by the foregoing definition to include any product which is controlled by Orders L-172 or M-293.

(4) "Hot water supply system" means any system of supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(5) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(6) "Metal jacket" means any metal covering, lining, or portion thereof (but not any metal band two inches or less in width used to support a jacket which holds dry insulation) for any direct fired or indirect water heater, except any metal covering, lining, or portion thereof which conducts flue gases, water, or steam through and to the outside of a direct fired or indirect water heater, and except any ferrous metal wire netting used as a base for the wet application of insulating material.

(7) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(8) "Producer" means any person who manufactures, fabricates or assembles new direct fired or indirect water heaters.

(b) *Manufacture and installation of metal jackets.* No producer shall manufacture or fabricate any metal jackets except:

(1) From materials in his inventory on May 8, 1944, or obtained from frozen, idle and excess inventories; or

(2) From allotted material when used to manufacture metal jackets to be installed pursuant to a specific contract or purchase order in any aircraft or vessel other than a pleasure craft, or to be installed on any direct-fired water heater using fuel oil as fuel.

(c) *Use of copper in manufacture.* No person shall use in the manufacture, fabrication or assembly of any direct fired or indirect water heater any copper or copper base alloy, except

(1) For repair or replacement parts;

(2) For temperature, pressure, vacuum or electrical controls, safety devices or valves;

(3) To fill a specific contract, subcontract or purchase order for use in the laundry, bakery or hospital projects of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(4) For use as part of the equipment of any aircraft or any vessel for deliv-

ery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States;

(5) For use by the Army or Navy of the United States outside the forty-eight States and the District of Columbia; or

(6) For coils and tubular units built of tubing of 1½" inside diameter or less for indirect water heaters only. However, the shells, heads, tube plates, spacer plates, terminal outlets and other cast parts of indirect water heaters shall be of ferrous metal or non-metallic materials.

(d) *Use of copper in installation or repair and replacement parts.* (1) No person shall, in any repair or replacement, use or install parts containing in the aggregate more than two pounds of copper or copper base alloy if the weight of the copper or copper base alloy so used or installed exceeds by more than one pound the weight of copper and copper base alloy replaced.

(2) All copper and copper base alloy replaced in any repair shall be delivered by the person making the repair to a scrap dealer or other person specified under Supplementary Order M-9-b.

(e) *Restriction on production.* (1) During the period from July 1, 1943 to June 30, 1944 inclusive, no person shall manufacture, fabricate or assemble units of direct fired or indirect fired water heaters as herein defined, in excess of the percentage of his 1941 unit production of the same classification of hot water heaters, which is indicated in Schedule A hereto attached.

(2) The restrictions of paragraph (e) (1) do not apply to the manufacture, fabrication or assembly of direct fired or indirect water heaters for delivery to or for the account of the Army, Navy, War Shipping Administration or Maritime Commission of the United States.

(f) [Deleted Jan. 20, 1944]

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board, for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-185.

(i) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 8th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A: PERMITTED PERCENTAGES OF 1941 UNIT PRODUCTION

	Percent
A. Direct fired water heaters:	
1. Underfired water heaters	65
2. Coal and wood fired water heaters	70
3 Side-arm heaters and waterbacks	70
4. All others	30
B. Indirect water heaters	20

[F. R. Doc. 44-6528; Filed, May 8, 1944; 11:17 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, as Amended May 8, 1944]

§ 3294.71 *General Preference Order M-21*—(a) *Purpose and scope.* This is the basic order covering the distribution of steel and iron products. Other rules for distribution, as well as for production and use, are contained in other War Production Board orders and regulations, which must also be complied with, except to the extent that their provisions are inconsistent with this order. With respect to steel, attention is called particularly to the various CMP regulations and to other orders in the M-21 series.

(b) *Definitions.* For the purposes of this order:

(1) The word "steel" means carbon steel (including wrought iron) and alloy steel in the forms and shapes listed in Schedule I of CMP Regulation No. 1. The term includes material sorted or salvaged from scrap and sold for other than remelting purposes. The term also includes all types of rejected or second quality material and shearings except:

(i) When sold as scrap for remelting; or

(ii) When sold as scrap to a scrap dealer for sorting, processing or salvaging, or for resale for remelting.

The term does not include material which has been in use or service.

(2) "Iron products" means cast iron pipe (except cast iron soil pipe and cast iron soil pipe fittings) and all other iron castings, gray and malleable (rough as cast), including all items of ferrous foundry manufacture not classified as steel.

(3) "Producer" means any person who produces steel or iron products.

(c) *Deliveries of iron products and steel forgings.* Iron products and carbon or alloy steel forgings may not be delivered except:

(1) On orders bearing a preference rating of AA-5 or higher; or

(2) As permitted under Priorities Regulation No. 13; or

(3) As specifically authorized or directed in writing by the War Production Board.

(d) *Deliveries of other steel.* Other steel may not be delivered except:

(1) As permitted under CMP Regulation No. 1 or CMP Regulation No. 4; or

(2) As permitted under Priorities Regulation No. 13 or Priorities Regulation No. 19; or

(3) To distributors as permitted under Order M-21-b-1 or M-21-b-2; or

(4) As specifically authorized or directed in writing by the War Production Board.

(e) *Iron products and steel forgings.* Iron products and carbon and alloy steel forgings are obtained on preference rated orders, and purchase orders for these products must be accompanied by a certification of the applicable rating in substantially the form set forth in Priorities Regulation No. 7.

(f) *Special directions.* The War Production Board may from time to time issue special directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

(g) *Producers' reports.* Each producer shall file with the War Production Board, Washington 25, D. C., Reference: M21, reports at such times and on such forms as may from time to time be prescribed, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Paragraphs (h), (i) and (j), formerly (g), (h) and (i), redesignated May 8, 1944.

(h) *Violations.* Any person who willfully violates any provision of this order

or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington 25, D. C., Ref: M–21.

Issued this 8th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1: Deleted May 8, 1944.

INTERPRETATION 1: Deleted May 8, 1944.

[F. R. Doc. 44–6529; Filed, May 8, 1944; 11:17 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M–73, as Amended May 6, 1944]

WOOL

§ 3290.286 *Conservation Order M–73*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora goat (mohair) or the Cashmere goat, camel, alpaca, llama, vicuna, and related fibers, including carpet wool, but does not include noils, waste, tanners' wool waste, reprocessed or reused wool, or yarn or cloth;

(2) "Waste" means the by-product resulting from carding, combing, spinning and subsequent operations on any system, but does not include the by-product resulting from scouring and carbonizing operations;

(3) "Put into process" means:

(i) On the worsted system, the first operation of drawing after combing;

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding, as the case may be;

(iii) On the woolen, felt, or any other system not using tops, the first operation after scouring, carbonizing, dusting or similar cleaning or preparatory process;

(4) [Deleted Nov. 19, 1943]

(c) *Restrictions.* (1) No person shall put into process any wool other than carpet wool or mohair for the manufacture of any floor covering.

(2) No person shall put into process or use any alpaca or tops therefrom (except alpaca seconds, llama, huarizo, pieces, low offsorts or locks), except for the manufacture of yarns or cloth to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(3) No spinner shall deliver on an unrated order any knitting yarn which he puts into process in the period from May 13, 1944, through July 15, 1944. He shall in that period produce at least the same proportion of knitting yarn to all other Bradford yarn as he produced in the first calendar quarter in 1944.

In this subparagraph "yarn" means yarn containing any wool, produced on spinning, twister or roving frames on the Bradford system, "spinner" means a person who in the first calendar quarter in 1944 produced such knitting yarn for use by himself or others, and calculations are in pounds.

(d) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(e) *General exceptions.* The restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(f) *Equitable distribution.* It is the policy of the War Production Board that wool, noils, waste, tanners' wool waste, and reprocessed or reused wool, and yarns, cloth, felts and products containing any of the foregoing, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard shall be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* Every person classified below, to whom the form is sent by the War Production Board or by the Bureau of the Census, shall, within the period specified in the reporting form, file with the War Production Board, or the Bureau of the Census, whichever is specified in the form, each form applicable to him, giving the information required, as follows:

Who shall file:	*Form Number*
1. A person in the business of putting into process wool or wool tops, or who has wool or wool tops put into process by another for his account.	WPB–2857 (formerly PD–274).
2. A person in the business of operating woolen, worsted or felting machinery.	WPB–2857, WPB–1420.
3. An owner, or a consignee from a grower, of wool, noils, waste, tanners' wool waste, reprocessed or reused wool.	WPB–295, WPB–370.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M–73.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–6494; Filed, May 6, 1944; 4:31 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 59]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 22.1 is amended by inserting the following definition between the definition of "ration credits" and definition of "rationed food".

"Ration evidence" means any written or printed document authorizing the transfer, delivery or acquisition of rationed commodities or the transfer of ration credits, and includes stamps, coupons, certificates and ration checks.

2. New sections 25.3 and 25.4 are added to read as follows:

SEC. 25.3 *Institutional users who cease serving military or naval personnel.* (a) An institutional user who has fed Army, Navy, Marine Corps or Coast Guard personnel in the manner described in section 25.1 and who ceases feeding such personnel in that manner, must account for all rationed foods and ration credits for feeding such personnel which he has on hand.

(b) He must file a statement with the board prior to June 1, 1944, or within thirty (30) days after ceasing to feed such military or naval personnel, whichever is later, showing:

(1) The quantities and kinds of rationed foods on hand when he ceased feeding such personnel which had not been previously reported to the board under any provisions of this order;

(2) The point value at the time of filing the statement of each kind of processed foods or foods covered by Ration Order 16 included in the statement; and

(3) The amounts of any unexpended ration credits or ration evidences on hand at such time which were acquired in the manner described in section 25.1.

(c) At the time of filing that statement he must, in addition, turn over to the Board all unexpended ration credits and ration evidences described in the statement.

(d) After filing the statement, he must:

(1) Sell or transfer the rationed foods listed therein for ration evidences in the same way that a retailer is permitted to sell or transfer such foods. (NOTE: Such transfers may not be made in exchange for tokens.) Within five (5) days after the sale or transfer, he must surrender to the Board all ration evidences received and account for any foods sold at less than full point value; or

(2) Retain all or part of the food for institutional use at his establishment, and issue to the Board a certified ration check (or surrender ration evidences if he has no ration bank account) for the amount of the food retained.

(e) Thirty (30) days after filing the statement he shall be charged with excess inventory of sugar, processed foods and foods covered by Ration Order 16, each computed separately, in the following way:

(1) The total amount of ration credits or ration evidences surrendered to the Board is determined;

(2) If he sold or transferred any processed foods or foods covered by Ration Order 16 at less than their full point value, the difference between the point value of those foods and the number of points received by him for those foods is determined;

(3) The figures obtained in (1) and (2) are added, and the sum is deducted from the total of the value (in pounds for sugar, in points for processed foods and foods covered by Ration Order 16) of the foods and unexpended ration credits and evidences reported on his statement; and

(4) The difference is charged as excess inventory.

SEC. 25.4 *Disposing of excess stocks by institutional users feeding military or naval personnel.* (a) An institutional user who feeds Army, Navy, Marine Corps or Coast Guard personnel in the manner described in section 25.1 and who has a stock of rationed foods for that purpose which is not charged to excess inventory may dispose of any part of those foods although he will continue to feed such personnel. He may dispose of those foods in the following way:

(1) He must obtain the permission of the officer in command (or other authorized officer) to sell or transfer such foods or to use them for service other than to Army, Navy, Marine Corps or Coast Guard personnel messed in the manner described in section 25.1; and

(2) Upon obtaining such permission, he may sell or transfer those foods in the same way that a retailer is permitted to sell or transfer such foods. Within five (5) days after the sale or transfer he must surrender to the officer in command all ration evidences received. He must also account to the officer in command for any foods transferred for which he did not receive ration evidences. If he wishes to retain such foods for institutional use in his establishment for service other than to Army, Navy, Marine Corps or Coast Guard personnel messed in the manner described in section 25.1, he must surrender to the officer in command ration credits or ration evidences in an amount equal to the value of the foods retained by him for such service. Any ration credits or ration evidences so surrendered shall be deposited in the ration bank account maintained for the use of the officer in command.

This amendment shall become effective May 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562; 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6449; Filed, May 5, 1944; 3:50 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11676, 11380, 11479, 23483, 12557, 12403, 12744, 14473, 15488, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196.

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 63]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. A new section 5.7 is added to read as follows:

SEC. 5.7 *Reduction of allotments for Ration Order 16 foods.* (a) The meal service allotment under sections 6.2, 7.3, 7.6, 7.9, 26.1 and 31.1, and Article XI, for foods covered by Ration Order 16 for all institutional users for the allotment period May–June, 1944, shall be reduced by fifty percent (50%). If the allotment for that period has already been issued, the amount of this reduction in the allotment shall be charged as excess inventory. An institutional user may not, after May 3, 1944, use foods covered by Ration Order 16 which have a point value if, between May 1 and May 3, 1944, he used such foods up to the amount of that reduced allotment plus any unused parts of his prior allotments, or if the use of those foods would cause his total use of such foods in points during the allotment period May–June, 1944, to exceed that reduced allotment plus any unused parts of his prior allotments.

(b) Any institutional user other than a Group I user who, after April 30, 1944, acquired for points foods covered by Ration Order 16 which have a zero point value beginning May 4, 1944 from his reserve allotment or from points issued to him for the allotment period May–June 1944, may apply for an adjustment in the amount by which his allotment is reduced under paragraph (a) of this section. (An institutional user who on April 30, 1944, had points on hand or in his ration bank account is considered to have acquired foods covered by Ration Order 16 which have a zero point value beginning May 4, 1944, from his reserve allotment or from points issued to him for the allotment period May–June 1944,

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12383, 12557, 12403, 12744, 14472, 15488, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476.

only to the extent that the point value of such foods he acquired after April 30, 1944 exceeds the points he had on hand and in his ration bank account, less his reserve allotment, on that date.) Application shall be made on OPA Form R–315 to the Board and must state, with respect to each such acquisition:

(1) The point value of foods covered by Ration Order 16 which have a zero point value beginning May 4, 1944, which he acquired for points after April 30, 1944, from his reserve allotment or from points issued to him for the allotment period May–June 1944;

(2) The types and quantities of such foods acquired with these points;

(3) The dates on which such foods were acquired; and

(4) The names and addresses of the persons from whom such foods were acquired.

(c) If the Board finds the statements made in the application are true, it shall grant the application and increase his allotment by the number of points which he used between May 1 and May 3, 1944, inclusive, from his reserve allotment or from points issued to him for the allotment period May–June 1944, to acquire foods covered by Ration Order 16 which have a zero point value beginning May 4, 1944. If he has been charged with excess inventory under paragraph (a), that excess inventory shall be reduced by the amount of the increase in his allotment.

2. Section 12.4 is amended by inserting after the word "meat" in the first sentence the words "other than those which have a zero point value"; and by inserting before the word "meat" wherever it appears in the remainder of that section the word "such".

This amendment shall become effective 12:01 a. m. May 4, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 3d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6367; Filed, May 4, 1944; 11:52 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 9,[1] Amdt. 6]

TEMPORARY FOOD RATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 9 is amended in the following respects:

1. Section 1305.65 (c) is amended by amending the second sentence to read as follows:

The certificates or other ration evidences shall be for 8 points of processed foods and 4 points of foods covered by Ration Order 16 for each nine (9) meals (or fraction thereof) which he will eat at such place during the period of time stated on the application.

2. The second sentence of § 1305.65a (c) is amended by amending the phrase "15 points of foods covered by Ration Order 16" to read "8 points of foods covered by Ration Order 16".

This amendment shall become effective 12:01 a. m., May 4, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Sec. of Agr. War Food Order No. 56, 8 F.R. 2005; War Food Order No. 58, 8 F.R. 2251; War Food Order No. 59, 8 F.R. 3471; War Food Order No. 61, 8 F.R. 3471, War Food Order No. 64, 8 F.R. 7093)

Issued this 3d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6370; Filed, May 4, 1944; 11:51 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11[1], Amdt. 4]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5001 (a) (16) is amended by adding after the period at the end of the subparagraph the sentence "The term '1944–45 heating year' means the period from September 1, 1944 through August 31, 1945."

2. The text of § 1394.5330 is amended to read as follows:

§ 1394.5330 *The limitation area is divided into zones.* The limitation area is divided into ten (10) zones as follows:

3. Section 1394.5353 (c) is deleted.

4. An undesignated center headnote is added preceding § 1394.5360, to read as follows: "Renewal of Heat and Hot Water Rations for the 1944–45 Heating Year."

5. Sections 1394.5360 to 1394.5369 are added, as follows:

§ 1394.5360 *Who may apply for a renewal.* (a) An application to renew a ration for heat or hot water, or both, (other than an interim ration) for the 1944–45 heating year (i. e., from September 1, 1944 through August 31, 1945) may be made by the person to whom the ration was issued, or by any member of the family, or by someone acting for either of them. The application must be made on OPA Form R–1167 (Revised). However, a ration may not be renewed if it has expired for any of the reasons specified in § 1394.5502.

(b) No application for a renewal may be made after September 30, 1944.

PRIVATE DWELLINGS

(Heat by central heating equipment; hot water by any equipment)

§ 1394.5361 *How the renewed heat ration for a private dwelling using central heating equipment is figured*—(a) *General.* The renewed ration for heating a private dwelling by means of central heating equipment shall be the amount specified as the annual heat ration for the 1943–44 heating year in § 1394.5317 (a) (1).

(b) *Children's allowance.* If one or more children under six (6) years of age regularly live in the dwelling, the renewed ration shall be increased by:

(1) 125 gallons, in Zones A–1, A–2, and A–3;

(2) 100 gallons, in Zones B–1, B–2, and B–3;

(3) 75 gallons, in Zones C–1, C–2 and C–3;

(4) 50 gallons, in Zone D.

§ 1394.5362 *How the renewed hot water ration for a private dwelling is figured.* (a) The renewed ration for domestic hot water in a private dwelling (other than a house trailer), shall be figured as follows:

(1) *Central heating equipment or separate water heating equipment.* Where the hot water is furnished by means of central heating equipment or separate water heating equipment, the ration shall be two-thirds (⅔) of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person regularly living in the dwelling, and multiplying that sum by the number of months for which the ration is needed.

RESIDENTIAL PREMISES, INCLUDING PRIVATE DWELLINGS, USING SPACE HEATERS (EXCLUDING HOUSE TRAILERS)

§ 1394.5363 *How the renewed heat ration is figured for all residential premises (other than a house trailer) using space heaters.* (a) The rules for figuring the renewed ration for heating any residential premises (other than a house trailer) by means of one or more space heaters will be added by subsequent amendments to this order.

§ 1394.5364 *How the renewed hot water ration is figured for residential premises (other than a private dwelling) using space heaters or cooking equipment.* (a) The rules for figuring the renewed ration for domestic hot water in residential premises (other than a private dwelling), furnished by means of an attachment to a space heater or to cooking equipment, will be added by subsequent amendments to this order.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 7107, 10079, 12796, 15378, 16115; 9 F.R. 4348

[1] 9 F.R. 2357.

HOUSE TRAILERS

§ 1394.5365 *How the renewed heat or hot water ration for a house trailer is figured*—(a) *Heat.* The renewed ration for heating a house trailer by means of a space heater shall be the amount specified as the annual heat ration for the 1943–44 heating year in § 1394.5321 (a) (1).

(b) *Hot water.* The renewed ration for domestic hot water for a house trailer furnished by means of separate water heating equipment shall be figured according to § 1394.5321 (b).

OTHER PREMISES

(Residential using central heating; nonresidential using any equipment)

§ 1394.5366 *How the renewed heat or hot water ration is figured for residential premises (other than a private dwelling) using central heating or seperate water heating equipment or for non-residential premises using any equipment.* (a) The renewed ration for the 1944–45 heating year for furnishing heat or hot water, or both, to residential premises (other than a private dwelling) by means of central heating equipment or separate water heating equipment, or to nonresidential premises by means of any heating or water heating equipment shall be figured as follows:

(1) If a renewed ration for the purpose was granted to the applicant for the 1943–44 heating year, the renewed ration (for the 1944–45 heating year) shall be the same amount as that ration.

(2) If a ration for the purpose for the 1943–44 heating year was granted to the applicant as a new applicant under Section 21 Appendix A, the renewed ration shall be the amount of fuel oil that the applicant was entitled to use for that year (excluding all additional rations).

(3) If a ration for the purpose for the 1943–44 heating year was granted to the applicant as a late applicant under § 1394.5332, the renewed ration shall be two-thirds (⅔) of the amount of fuel oil consumed for the purpose (adjusted to normal according to section 9 (c) of Appendix A) during the base period (i. e., from June 1, 1942 through May 31, 1943.) However, if fuel oil was not used for the purpose during the base period, or if for any reason (other than weather conditions) the fuel oil consumption during the base period is not representative of normal fuel oil requirements during the 1944–45 heating year, or if the consumption during the base period cannot be determined, the renewed ration shall be two-thirds (⅔) of the amount of fuel oil needed to meet the normal fuel oil requirements of the premises for such purpose.

RATION EVIDENCES FOR RENEWALS

§ 1394.5367 *The renewed ration will be evidenced by coupon sheets or fuel oil deposit certificates*—(a) *When Class 3 coupon sheets will be issued.* Class 3 coupon sheets (OPA Forms R–1107 through R–1110) will be issued where the amount of fuel oil which the applicant may acquire for heat or hot water, or both, for the 1944–45 heating year is three hundred (300) gallons or less.

(b) *When Class 4A, 5A and 6A coupon sheets will be issued.* Class 4A, 5A and 6A coupon sheets (OPA Forms R–1137A through R–1166A) will be issued where the amount of fuel oil which the applicant may acquire for heat or hot water, or both, for the 1944–45 heating year is more than three hundred (300) gallons.

(1) All unit value coupons will be issued on the basis of ten (10) gallons per unit.

(2) If the gallonage for which coupons are to be issued is not a multiple of the value (at ten (10) gallons per unit) of the unit value coupons of the coupon sheets to be issued, coupons may be issued to the next highest multiple of the value of such unit value coupons.

(c) *When fuel oil deposit certificates will be issued.* If the amount of fuel oil which the applicant may acquire for heat or hot water, or both, for the 1944–45 heating year is twenty thousand (20,000) gallons or more, fuel oil deposit certificates will be issued, instead of coupons, upon request of the applicant. However, if fuel oil deposit certificates evidenced the previous ration for the purpose issued to the applicant, fuel oil deposit certificates only will be issued.

(1) The gallonage value of the first fuel oil deposit certificate issued to the applicant will equal one-third (⅓) of the amount of the fuel oil he may acquire and will include the first validity period. A certificate, representing the allocable part of the ration for each subsequent validity period, will be issued after the value of the unit value coupons for the period and zone has been fixed. If the value of the Class 4A, 5A and 6A unit value coupons for any validity period is changed from ten (10) gallons, a proportionate adjustment will be made in the amount of the fuel oil deposit certificate issued for that period.

§ 1394.5368 *Class 4A, 5A and 6A coupon sheets*—(a) *They have both unit and fixed value coupons.* Class 4A, 5A and 6A coupon sheets have coupons with a value of one (1), five (5) and twenty-five (25) units, respectively, as well as coupons of definite gallonage value.

(b) *When and where unit value coupons may be used by consumers.* Fuel oil may be transferred to a consumer in exchange for a unit value coupon only during the validity period and in the zone printed on the coupon. (The zones are described in § 1394.5330.) There will be five (5) validity periods all extending through August 31, 1945. The date on which each period will begin for each zone will be added by subsequent amendments to this order.

(c) *When unit value coupons may be used by dealers and primary suppliers.* Fuel oil may be transferred to a dealer or primary supplier in exchange for a unit value coupon on and after the first date when the coupon may be used for a transfer of fuel oil to a consumer. The coupon may not be used in any zone for any purpose (as for example, for obtaining an exchange certificate or for deposit in a ration bank account) after September 30, 1945.

(d) *When and where fixed value coupons may be used by consumers.* Fuel oil may be transferred to a consumer in exchange for a fixed value coupon from a Class 4A, 5A or 6A coupon sheet only during the validity period of the coupon sheet.

(e) *When fixed value coupons may be used by dealers and primary suppliers.* Fuel oil may be transferred to a dealer or primary supplier in exchange for a fixed value coupon from a Class 4A, 5A or 6A coupon sheet only on and after the first date on which the coupon may be used for a transfer of fuel oil to a consumer, but not after September 30, 1945.

§ 1394.5369 *Application for, determination and issuance of, renewed rations for heat and hot water for use outside the limitation area.* Regardless of any provisions of this order:

(a) Application for a renewed ration for heat or hot water, or both, for use without the limitation area shall be made to the nearest Board in the thermal subzone nearest the premises in which the renewed ration is to be used.

(b) The Board shall, in such case, figure the renewed ration and issue coupons for a fuel oil deposit certificate in the same manner as if such premises were located in the thermal subzone in which the application is made.

6. Section 1394.5452 is amended to read as follows:

§ 1394.5452 *Notations on coupon sheets.* At the time of issuing a coupon sheet, the Board shall enter thereon the name of the person to whom it is issued, the address of the place where the ration is to be used, and the total gallonage value of the coupons attached to the coupon sheet. In the case of a Class 3 coupon sheet issued as a ration other than for domestic cooking or lighting, the Board shall also enter on it the first day when the coupons attached to the sheet may be used for acquiring fuel oil.

7. Section 1394.5455 (b) is added as follows:

(b) An applicant to whom a Class 4A, 5A or 6A coupon sheet has been issued shall, in addition to signing the coupon sheet, enter on it the date he received it from the Board. No coupon from any such sheet shall be valid until the coupon sheet to which it is attached has been signed and dated as required.

8. Section 1394.5458 is amended by substituting for the phrase "Class 4, 5 or 6 coupon sheet" the phrase "coupon sheet containing unit value coupons."

9. Section 1394.5462 (a) is amended by adding after the period at the end of the paragraph the following sentence: "The issuance of such certificates as renewed rations for heat or hot water for the 1944–45 heating year is covered by § 1394.5368 (d)."

10. The text of § 1394.5653 is amended to read as follows:

§ 1394.5653 *Transfers to consumers in exchange for coupons.* Fuel oil may

be transferred to consumers (and consumers may accept such transfers) in exchange for currently valid coupons attached to coupon sheets on the following conditions:

11. Section 1394.5653 (c) is amended to read as follows:

(c) Transfers may be made only during the period of validity noted on the coupon sheet (or in the case of a coupon sheet containing unit value coupons, only during the valid period of the coupon in exchange for which the transfer is made), and only in exchange for coupons valid in the zone in which the transfer is made.

This amendment shall become effective on May 10, 1944.

NOTE: All reporting and record keeping requirements of this amendment to Revised Ration Order 11 have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1–0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6451; Filed, May 5, 1944; 3:50 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 30]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The third sentence of section 4.2 (b) is amended by deleting the word "state," and substituting therefor the words "county (or in an area larger than a single county if he applies to, and receives authorization from, the 'Washington Office' to do so. The Washington Office will authorize a wholesaler to combine on a single inventory report all his establishments in an area larger than a single county if it finds that those establishments are located in a single marketing area.)"

This amendment shall become effective May 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6450; Filed, May 5, 1944; 3:50 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 137]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 7.6 (j) is added to read as follows:

(j) *Reduction of allotment and adjustments for meat (including canned fish) having a zero point value.* (1) The allotment for the second allotment period of 1944 of any industrial user who used meat (including canned fish) during the second quarter of his base period, shall be reduced by two-thirds of the amount which represents that use. The amount of the reduction shall be treated as excess inventory. He may not, after May 3, 1944, use foods covered by this order which have a point value, if, before that date, he used such foods up to the amount of that reduced allotment plus any unused parts of his prior allotments or if such use of foods covered by this order would cause his total use, in points, during the second allotment period to exceed that reduced allotment plus any unused parts of his prior allotments.

(2) An industrial user who acquired meat (including canned fish) for points after March 15, 1944, from points issued to him for the second allotment period, may apply for an adjustment of his excess inventory. (An industrial user who, on March 15, 1944, had points on hand or in his ration bank account is considered to have acquired meat (including canned fish) from points issued to him for his second allotment period only to the extent that the point value of the meat (including canned fish) he acquired after March 15, 1944, exceeds the points he had on hand and in his ration bank account on that date.) Application shall be made on OPA Form R–315 to the board with which he is registered and must state, with respect to each such acquisition:

(i) The point value of meat (including canned fish) acquired for points after March 15, 1944, from points issued to him for the second allotment period;

(ii) The types and quantities of meat (including canned fish) acquired with these points;

(iii) The dates on which such foods were acquired; and

(iv) The names and addresses of the persons from whom such foods were acquired.

(3) If the board finds the statements made in the application are true, it shall grant the application and reduce his excess inventory by the number of such points which he used to acquire meat (and canned fish) between March 16 and May 3, 1944, inclusive. His excess inventory may not, however, be reduced by more than two-thirds of his allotment based on his use of meat and canned fish.

(4) An industrial user who, during the second quarter of his base period, used meat which on May 4, 1944, has a point value may apply for an allotment covering such meat. The application shall be made on OPA Form R–315, and must estimate the number of pounds of such meat, separately for "bone in and separated suet" and for "boned and boneless," which he used during the second quarter of his base period. The board may grant the application if it finds that the industrial user used, during the second quarter of his base period, meat which on May 4, 1944, has a point value, and shall determine the amount of his allotment for the balance of the second allotment period of 1944 in the following way:

(i) The number of pounds of meat (having a point value on May 4, 1944) in the class "Bone in and separated suet" which he used during the second quarter of his base period is multiplied by the factor 2.6;

(ii) The number of pounds of meat (having a point value on May 4, 1944) in the class "Boned and Boneless" which he used during the second quarter of his base period is multiplied by the factor 3.4;

(iii) The resulting figures are added together and represent his allotment for the balance of the second allotment period of 1944 for meat having a point value on May 4, 1944. (Section 7.6 (d) applies in determining whether an industrial user who receives an adjustment under this subparagraph is entitled to a certificate, and determining the amount of the certificate.)

However, there shall be deducted from the allotment granted under this subparagraph (4) the amount of any adjustment obtained under subparagraph (3).

This amendment shall become effective 12:01 a. m., May 4, 1944.

NOTE: All reporting and record-keeping requirements of the amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R.

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695, 849, 1054, 1582, 1581, 1728, 1818, 1909, 2235, 2240, 2406.

562; and Supp. Dir. 1-M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4320; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4320; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4320)

Issued this 3d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6369; Filed, May 4, 1944; 11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 28 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Revised Supplement 1 to Ration Order 16 is amended in the following respects:

1. The Official Table of Consumer Point Values (No. 14), referred to in § 1407.3027 (a) is amended in the following respects:

a. The third sentence of the instructions appearing at the top of the table (beginning with the words "the same point value") is deleted.

b. The point value of all items listed on the table, except "steaks" and "roasts" items under the classification "beef" and except the items listed under the classification "Fats, Oils and Dairy Products", is reduced to zero. In addition, the point value of "Flank Steaks", under the classification "beef", is reduced to zero.

c. The text, under the heading "Hamburger", is amended to read as follows:

Hamburger: Beef of all grades ground from necks, flanks, heel of round, briskets, plates, miscellaneous beef trimmings, and beef fat. It also includes beef ground from the skeletal portions of Grade "D" dressed carcass (but not including head meat).

2. The Official Table of Consumer Point Values for Kosher Meats (No. 14), referred to in § 1407.3027 (a) is amended in the following respects:

a. The point value of all items listed on the table, except "Rib" and "Chuck" items under the classification "Beef", is reduced to zero. In addition, the point value of "Short ribs (flank)" and "Boneless neck", under the classification "Beef" is reduced to zero.

b. The text, following the item "Hamburger", under the classification "Beef", is amended by deleting the words "C and" from the second sentence.

c. The text, under the item "Tongue, slices", under the classification "Ready-to-eat-meats" is amended by deleting the word "If" in the second sentence and by substituting the following therefor: "If the uncooked item does not have a zero point value and if_____".

3. The Official Table of Trade Point Values (No. 14), referred to in § 1407.3027 (a) is amended in the following respects:

a. The point value of all items listed on the table under "Section B—Fish" is reduced to zero.

b. The point value of all items listed on the table under "Section A—Meats" is reduced to zero except the items listed below, which shall have the point values indicated below:

Beef (including kosher)	*Points per lb.*
Carcass or side (K and S in):	
Grades AA, A, B, and C; also stags and block bulls	5.0
Primal cuts:	
Forequarter	3.3
Hindquarters—K and S in, flank on	6.9
Hindquarters—K and S out, flank off	8.2
Chuck (regular square)	4.4
Rib	6.7
Round	7.4
Sirloin (loin end)	9.2
Trimmed full loin—K and S out	9.5
Trimmed short loin—K and S out	9.8
Arm chuck (square chuck and foreshank)	3.8
Back	5.0
Crosscut chuck	3.2
Triangle or rattle	2.6
Boneless beef:	
Carcass meat (all grades except cutters, canners, and bologna bulls)	7.1
Hindquarter—(excluding cutters, canners, and bulls)	9.9
Tenderloin—(all grades, excluding cutters, canners, and bologna bulls)	12.0
Fabricated beef cuts (excluding cutters, canners, and bologna bulls):	
Boneless rump (butt)	11.0
Chuck—boneless (neck on)	5.4
Clod	8.0
Rib—boneless	10.0
Rib—oven prepared	8.8
Rib (regular roll or rib eye)	15.0
Rib—(Spencer roll)	10.0
Round—boneless	11.6
Round—gooseneck	10.8
Round—rump and shank off	9.5
Knuckle	11.0
Top round (insides)	13.0
Bottom round (outsides)	13.0
Sirloin butt—boneless	13.0
Sirloin bottom butt—boneless	13.0
Sirloin top butt—boneless	13.0
Steaks (short loin)	12.0
Strip—bone in, 10" cut	13.3
Strip—boneless, 10" cut	16.8
Tenderloin (whole or part)—(all grades excluding cutters, canners and bologna bulls)	12.0

c. The text of paragraph 2 of the instructions on the table is amended by deleting the word "If" in the second sentence and by substituting the following therefor: "If the uncooked item does not have a zero point value and if_____".

d. The text of paragraph 3 of the instructions on the table is amended by substituting a comma for a period at the end of the first sentence and then adding the following to the end of the first sentence: "if such fresh cut does not have a zero point value".

e. The second sentence of footnote 1 (Hamburger) is amended by deleting the words "and forequarter of Grade C beef."

4. Section 1407.3027 (c) (2) (i) is amended to read as follows:

(i) Meats:		
(*a*) Bone in and separated suet	all	0.0
(*b*) Boned and boneless (and canned meat and canned fish)	all	0.0
(*c*) Hearts, tongues, livers, and sweetbreads (pancreas and thymus)	all	0.0

5. Sections 1407.3027 (c) (2) (iii) (*d*) and (*e*) are amended to read as follows:

(*d*) Shortening	all	0.0
(*e*) Cooking and salad oils	all	0.0

6. Section 1407.3027 (e) (7) is amended to read as follows:

(7) V8, U8 and W8 are valid beginning June 4, 1944.

This amendment shall become effective at 12:01 a. m., May 4, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4320; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4320; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4321)

Issued this 3d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6368; Filed, May 4, 1944; 11:51 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 28]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. In Item 4 of columns 5 and 6 of Table 4 in paragraph (b) of Appendix H, Article III, section 15 the figure "$2.70" is amended to read "$3.00" in each column.

2. In Item 9 of column 5 of Table 4 in paragraph (b) of Appendix H, Article III, section 15 the figure "9.6" is amended to read "11.0".

3. In Item 3 of column 5 of Table 7 in paragraph (b) of Appendix H, Article III, section 15 the figure "$3.40" is amended to read "$4.20".

4. In Item 7 of column 5 of Table 7 in paragraph (b) of Appendix H, Article III, section 15 the figure "$2.00" is amended to read "$2.45".

5. In Item 11 of column 5 of Table 7 in paragraph (b) of Appendix H, Article III, section 15 the figure "7.1" is amended to read "8.7".

This amendment shall become effective May 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of May 1944.

CHESTER BOWLES,
Administrator.

Approved: May 4, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-6376; Filed, May 4, 1944; 4:04 p. m.]

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[1] 8 F.R. 16834, 16893, 17278, 17306, 17372; 9 F.R. 105, 184, 731, 1181, 1819, 2091, 2007, 2788, 2477, 2553, 2948, 2830, 2789, 3092, 3707, 3581, 4107, 3581, 4107, 4605, 4607.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434.

PART 1499—COMMODITIES AND SERVICES

[MPR 165[1] as Amended, Supp. Service Reg. 28]

SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS IN SAN DIEGO AREA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 28 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 28 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which, prior to the issuance of the regulation, were in general use by the trade in the affected area.

§ 1499.2259 *Services of altering and repairing military uniforms in San Diego Area.* (a) Dollars-and-cents maximum prices established for the services of altering and repairing military uniforms by persons located in the San Diego Area.

(1) The maximum prices established by Maximum Price Regulation No. 165, as amended (services) for the services of altering and repairing military uniforms when sold and supplied other than in connection with the sale of a military uniform, by persons located in the San Diego area, are hereby modified and shall henceforth be the prices set forth in Appendix A.

(2) *Definitions.* As used in this regulation the term:

San Diego area" means San Diego and Imperial Counties, California.

(3) *Posting requirements.* Within 30 days after the issuance of this regulation every person selling the services of altering and repairing military uniforms in the San Diego area shall post on his premises in a place and manner so that it is plainly visible to the purchasing public a placard, setting forth the maximum prices established in Appendix A.

(4) *Other services supplied by persons altering or repairing military uniforms.* Alteration and repair services not listed in Appendix A which are performed on military uniforms by persons covered by this regulation shall be governed by Maximum Price Regulation No. 165, as amended.

(5) *Less than maximum prices.* Lower prices for any of the services covered by this supplementary service regulation may be charged, offered, demanded or paid.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6528, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8873, 10671, 10939, 11754, 12023.

APPENDIX A—SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS

Service	Maximum price
A. Sailor blue uniforms:	
1. New stars (machine), each	$0.25
2. New stars (hand), each	.40
3. Taking in pants waist (darts)	.50
4. Shortening or lengthening pants (machine)	.50
5. Shortening or lengthening pants (hand)	.75
6. Taking in waist and seat to crotch seam	1.25
7. Taking in waist and seat to crotch seam and resetting eyelets	2.25
8. Taking in or letting out seat and thigh	1.75
9. Belling pants by taking in at inseam only	.75
10. Belling pants by taking in at inseam only where rebinding necessary	1.00
11. Spiking and belling pants (where two piece gusset inserted)	2.00
12. Sewing on rates double stitched (where rates furnished by customer)	.25
13. Sewing on service stripes (where service stripes furnished by customer)	.25
14. Cross stitching by hand rates or service stripes (where service stripes furnished by customer)	.50
15. Sewing on seaman's or fireman's watch mark including material	.25
16. Shortening Pea Coat, with binding replaced and lining turned under	2.00
17. Shortening Pea Coat sleeves	1.00
18. Taking in and letting out jumper sides	1.00
19. Shortening jumper	.75
20. Narrowing sleeves, using felled seam	.75
21. Shortening sleeves	1.00
22. Narrowing and shortening sleeves	1.50
23. Taping jumper collar and cuffs, including material	1.50
24. Retaping cuffs, including material—two stripes	.35
25. Retaping cuffs, including material, three stripes	.50
26. Removing tape and taping collar and cuffs, including material	2.50
27. Changing undress jumper to dress, where all necessary operations are performed, including: narrowing sleeves, adjusting length of sleeves, if needed, making and attaching cuffs, taking in or letting out sides, shortening jumper to desired length, taping collar and cuffs, embroidering stars on collar either by hand or machine, including tape and buttons and button holes	4.75
28. Changing undress jumper to dress where same operations as described in 26 above are made without alterations	3.50
B. Marine and Army enlisted men's uniforms:	
1. Shortening Marine dress coat	2.50
2. Shortening Marine Green coat	1.75
3. Taking in or letting out army coat sides	1.50
4. Taking in or letting out Marine coat sides	2.00

APPENDIX A—SERVICES OF ALTERING AND REPAIRING MILITARY UNIFORMS—Continued

Service	Maximum price
B. Marine and Army enlisted men's uniforms—Continued.	
5. Shortening or lengthening Marine green or dress coat sleeves	$1.50
6. Shortening or lengthening Army coat sleeves	1.00
7. Shortening Army coats	1.75
8. Shortening or lengthening collar Marine Dress blue coat—by removing collar	1.50
9. Shortening or lengthening collar Marine Dress blue coat—without removing collar	.50
10. Shortening lapel collars	1.50
11. Padding shoulders, material furnished by tailor	.75
12. Taking in or letting out sides of Marine Overcoat	2.00
13. Taking in or letting out sides of Army Overcoat	1.50
14. Pleating overcoat, including pressing pleats	1.00
15. Raising or lowering pockets (maintaining same size)	1.25
16. Shortening pockets without resetting	.65
17. Sewing on chevrons or regimental patches (where furnished by customer)	.25
18. Sewing red stripes on Marine pants, both sides (material extra)	1.50
19. Taking in or letting out pants waist	.50
20. Taking in or letting out pants waist, crotch and thigh	1.50
21. Shortening pants (machine)	.50
22. Shortening pants (hand)	.75
23. Taking in or letting out military shirt sides	.75
24. Shortening sleeves of military shirts, and narrowing where necessary	.50

This Supplementary Service Regulation No. 28 shall become effective May 10, 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6452; Filed, May 5, 1944; 3:50 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8,[1] Amdt. 8]

GENERAL PROHIBITIONS, PENALTIES AND CONDITIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.1 of General Ration Order 8 is amended to read as follows:

SEC. 4.1 *Suspension orders.* (a) Any person who sells or transfers or offers or attempts to sell or transfer, or in the course of trade or business buys or receives or offers or attempts to buy or re-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196.

ceive, any rationed commodity at a price in excess of the applicable maximum price established for that commodity by the Office of Price Administration or who violates a ration order may, by administrative suspension order, be prohibited from receiving any transfer or delivery of, or from selling, using or otherwise disposing of, any rationed commodity. Proceedings for suspension orders shall be in accordance with the provisions of Revised Procedural Regulation No. 4 of the Office of Price Administration.

This amendment shall become effective May 5, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R.10179; WPB Directive 1, 7 F.R. 562; Sec. of Agr. War Food Order No. 56, 8 F.R. 2005, War Food Order No. 58, 8 F.R. 2251, War Food Order No. 59, 8 F.R. 3471, War Food Order No. 61, 8 F.R. 3471, War Food Order No. 64, 8 F.R. 7093)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6448; Filed, May 5, 1944; 3:47 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 16]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 (Fine Cotton Goods) is amended by adding exception (*i*) to § 1316.3 (b) (1) to read as follows:

(*i*) Grey goods sold by the manufacturer for use by prime contractors in fulfilling contracts with the Philadelphia Quartermaster Depot under procurement directive P-T-265 (44) (Clo.) dated April 17, 1944 and/or the Jeffersonville Quartermaster Depot under procurement directive J-T-1-A (44), calling for delivery prior to October 1, 1944, of any of the following finished fabrics:

(*1*) Cloth, Cotton, Wind Resistant, Oxford, 6.5 oz., OD #2, Water Repellent, (Type I).

(*2*) Cloth, Cotton, Wind Resistant, Oxford, 7 oz., OD #2, Water Repellent, (Type II).

(*3*) Cloth, Cotton, Wind Resistant, Oxford, 7.5 oz., OD #2, Water Repellent, (Type III).

(*4*) Cloth, Cotton, Wind Resistant, Oxford, 8.5 oz. to 9.5 oz., Mineral Dyed, OD #7, Water Repellent, (Type IV).

This amendment shall become effective this 5th day of May 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6446; Filed, May 5, 1944; 3:47 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 2661, 3577.

PART 1400—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,[1] Amdt. 21]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 127 (Finished Piece Goods) is amended in the following respect:

To the list in § 1400.78a (a), item (15) is added to read as follows:

(15) Deliveries made prior to October 1, 1944, pursuant to contracts with the Philadelphia Quartermaster Depot under procurement directive P-T-265 (44) (Clo.) dated April 17, 1944, and/or the Jeffersonville Quartermaster Depot under procurement directive J-T-1-A (44), of any of the following finished fabrics:

(i) Cloth, Cotton, Wind Resistant, Oxford, 6.5 oz., OD #2, Water Repellent, (Type I).

(ii) Cloth, Cotton, Wind Resistant, Oxford, 7 oz., OD #2, Water Repellent, (Type II).

(iii) Cloth, Cotton, Wind Resistant, Oxford, 7.5 oz., OD #2, Water Repellent, (Type III).

(iv) Cloth, Cotton, Wind Resistant, Oxford, 8.5 oz. to 9.5 oz., Mineral Dyed, OD #7, Water Repellent, (Type IV).

This amendment shall become effective May 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6447; Filed, May 5, 1944; 3:47 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 87]

SALES OF SURPLUS COMMODITIES BY THE UNITED STATES GOVERNMENT OR ITS AGENCIES

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.115 *Sales of surplus commodities by the United States Government or its agencies*—(a) *Purpose of this supplementary order.* This order is a temporary measure intended to facilitate the movement of surplus goods at fair and equitable prices pending the issuance by the Office of Price Administration of a comprehensive order governing prices of surplus goods sold by Government agencies.

For the purposes of this order: "Surplus commodities" shall include all commodities, except food, that are in new condition (that is, have not been used, damaged or become deteriorated) and that were originally purchased for use; "Government agency" shall include the United States Government or any department, agency, commission, corporation, or other such instrumentality of the United States Government.

(b) *Maximum prices at which Government agencies may sell.* In the case of any surplus commodity for which no price regulation establishes maximum prices in terms of dollars and cents or by incorporating published price lists by specific reference, any Government agency may sell at a price not to exceed its cost of acquisition. Such price shall be "where is" or f. o. b. point of shipment, whichever is the current practice of the selling agency with respect to the commodity being sold. This supplementary order does not limit any Government agency to cost of acquisition in any case in which an exemption from price control is otherwise provided in any price regulation or order issued by the Office of Price Administration, and further, any Government agency may use alternative methods of establishing maximum prices provided in any such regulation or order.

"Cost of acquisition" means actual delivered cost, or if actual delivered cost is unknown, the estimated average delivered cost to the Government. All other expenses, including handling, warehousing, costs of trans-shipment, and contract termination allowances by the Government agency are excluded.

"Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

This Supplementary Order No. 87 shall become effective May 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6482; Filed, May 6, 1944; 11:47 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87,[1] Amdt. 11]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The last sentence in § 1315.1251 is amended to read as follows:

Provided further, That this schedule shall not apply to any rubber articles or materials which are acquired for the purpose of repairing or reconditioning them, or of reselling them to be repaired or reconditioned, to make them reusable for

[1] 9 F.R. 2464, 3031, 4029.

[1] 7 F.R. 4781, 5177, 6002, 8700, 8948; 8 F.R. 4628, 5986, 8844.

their original purpose, except that sales of such articles or materials mixed with scrap rubber covered by this schedule shall be considered sales of scrap rubber subject to this schedule unless such articles or materials are segregated from the scrap.

This amendment shall become effective this 11th day of May 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6474; Filed, May 6, 1944; 11:45 a. m.]

PART 1334—SUGAR, CONFECTIONARY AND SOFT DRINKS

[RPS 16,[1] Amdt. 6]

RAW CANE SUGARS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 16 is amended in the following respects:

1. Section 1334.9 (a) (4) is amended to read as follows:

(4) United States Pacific Coast ports, 3.74 cents.

2. Section 1334.9 (a) (6) is amended to read as follows:

(6) Except, by contract, provision may be made for a maximum price to be:

(i) An amount which may be adjusted later, up to but not to exceed the maximum price in effect at the time of putting the raw sugar being priced by the contract into the refiner's melt, or

(ii) An average of the prices not to exceed an average of the maximum prices of raw cane sugar at the specified port of arrival which prevail during the period of the contract, or

(iii) A consideration which includes performance of services by the buyer, if the maximum prices specified above are lowered by an amount at least equal to the reasonable money value of such services to the seller; provided a copy of such contract and an explanation of the services are submitted to the Office of Price Administration, Washington, D. C., at least thirty days before the contract is to become effective. The Price Administrator may adjust the price set out in such contract by issuance of an order within thirty days after its receipt, otherwise it will be considered as complying with this schedule as to maximum prices.

3. Section 1334.16 is amended to read as follows:

§ 1334.16 *Adjustable pricing.* When a request for a change in the applicable maximum price is pending, an authorization may be given by the Price Administrator for a price to be adjusted upward after the raw sugar being priced is put into the refiners melt, if the Price Administrator deems such authorization necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, as amended.

This amendment shall become effective May 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6477; Filed, May 6, 1944; 11:45 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 13]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.21 (c) (2) is amended to read as follows:

(2) "The Board" means a War Price and Rationing Board (established by the Office of Price Administration) or the War Price and Rationing Board with which the consumer, industrial user establishment, or registering unit is registered, as the context indicates.

2. Section 1407.83 is added to read as follows:

§ 1407.83 *Industrial users' place of registration may be changed by district office.* (a) Any district office, with the consent of the regional office, may require that any Board located in its district transfer the registration of industrial users registered with it to another Board or to the district office. The transfer shall be made by forwarding the registration file and all other records of the industrial users to the designated Board or to the District Office.

(b) Where an industrial user's registration is transferred under this section to a District Office, the word "Board", wherever used in this order to refer to the Board with which an industrial user is registered, shall be deemed to refer to to the district office where that industrial user is registered.

3. Section 1407.163 is amended to read as follows:

§ 1407.163 *New establishments and ineligible establishments desiring sugar.* (a) Any person desiring to get sugar for a wholesaler or retailer establishment, not eligible for registration under this order, may petition the Board for the place at which the principal business office of the establishment is, or will be, located for registration and assignment to such establishment of an allowable inventory.

(b) Any person desiring to get sugar for an industrial user establishment, not eligible for registration under General Ration Order 16, may petition for registration and assignment to him of a base, allotment, or provisional allowance, as the case may be. The petition shall be filed as follows:

(1) With the Board (or District Office) authorized to keep the files of industrial users for the place where the petitioner's industrial user establishment is, or will be, located, if:

(i) He does not have a registered establishment and the petition covers only one establishment;

(ii) The petitioner has more than one establishment which are registered separately; or

(iii) The petitioner has one establishment already registered and he wishes to register the ineligible establishment separately.

(If the petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.)

(2) With the Board (or District Office) authorized to keep the files of industrial users for the place where the petitioner's principal office is, or will be, located if:

(i) The petition covers more than one establishment and the petitioner desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the ineligible establishment with it.

(c) The petition must be made on OPA Form R-315. The Board may not pass upon the petition but must forward it, together with all information received therewith, to the District Office. The Board may attach its recommendation as to the action to be taken. Where the petitioner wishes to use sugar for experimental, educational, or testing purposes, the District Office may permit the applicant to register (on OPA Form R-1200) and grant him an allotment if it finds it in the public interest to do so. In all other cases, the District Office shall send the file to the Washington Office for decision or take such other action as the Washington Office may authorize or direct.

(d) Establishments referred to in this section include those which commenced operations using sugar after April 20, 1942.

This amendment shall become effective May 7, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1239, 2133, 2132, 8948; 8 F.R. 6842, 16991; 9 F.R. 95, 2406.

[1] 9 F.R. 1433, 1534, 2238.

562, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6479; Filed, May 6, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 31]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. Section 6.2 (f) is added to read as follows:

(f) *Industrial users' place of registration may be changed by district office.* (1) Any district office, with the consent of the regional office, may require that any board located in its district transfer the registration of industrial users registered with it to another board or to the district office. The transfer shall be made by forwarding the registration file and all other records of the industrial users to the designated board or to the district office.

(2) Where an industrial user's registration is transferred under this section to a district office, the word "board", wherever used in this order to refer to the board with which an industrial user is registered, shall be deemed to refer to the district office where that industrial user is registered.

2. Section 12.4 (b) is amended to read as follows:

(b) The application must be made on OPA Form R-315 and must be filed as follows:

(1) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's industrial user establishment is or will be located, if:

(i) He does not have a registered industrial user establishment and the application covers only one establishment; or

(ii) He has more than one industrial user establishment which are already registered separately; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment separately.

(If the applicant wishes to open more than one industrial user establishment which are to be registered separately, a separate application must be filed for each such establishment.)

(2) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's principal business office is or will be located, if:

(i) The application covers more than one industrial user establishment and the applicant wishes to register such establishments together; or

(ii) He has more than one industrial user establishment which are already registered together; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment with it.

3. Section 12.4 (d) is redesignated (e).

4. Section 12.4 (c) is redesignated (d).

5. Section 12.4 (c) is added to read as follows:

(c) The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

This amendment shall become effective May 7, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6480; Filed, May 6, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 136]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 7.2 (f) is added to read as follows:

(f) *Industrial users' place of registration may be changed by district office.* (1) Any district office, with the consent of the regional office, may require that any board located in its district transfer the registration of industrial users registered with it to another board or to the district office. The transfer shall be made by forwarding the registration file and all other records of the industrial users to the designated board or to the district office.

(2) Where an industrial user's registration is transferred under this section to a district office, the word "board", wherever used in this order to refer to the board with which an industrial user is registered, shall be deemed to refer to the district office where that industrial user is registered.

2. Section 13.3 (b) is amended to read as follows:

(b) The application must be made on OPA Form R-315 and must be filed as follows:

(1) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's industrial user establishment is or will be located, if:

(i) He does not have a registered industrial user establishment and the application covers only one establishment; or

(ii) He has more than one industrial user establishment which are already registered separately; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment separately. (If the applicant wishes to open more than one industrial user establishment which are to be registered separately, a separate application must be filed for each such establishment.)

(2) With the board (or district office) authorized to keep the files of industrial users for the place where the applicant's principal business office is or will be located, if:

(i) The application covers more than one industrial user establishment and the applicant wishes to register such establishments together; or

(ii) He has more than one industrial user establishment which are already registered together; or

(iii) He has one industrial user establishment which is already registered and he wishes to register the new establishment with it.

3. Section 13.3 (d) is redesignated (e).

4. Section 13.3 (c) is redesignated (d).

5. Section 13.3 (c) is added to read as follows:

(c) The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any foods covered by this order he may have on hand for that establishment;

(6) The amount of the allotment or provisional allowance requested.

This amendment shall become effective May 7, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in ac-

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695, 849, 1054, 1532, 1581, 1728, 1818, 1909, 2235, 2240, 2406.

cordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6481; Filed, May 6, 1944; 11:46 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[2d Rev. MPR 13,[1] Amdt. 1]

DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 13 is amended in the following respects:

1. A new sentence is added at the end of section 2 (a) as follows: "This regulation also covers plywood made of other softwood species, but does not cover any plywood which contains one or more laminations of hardwood veneer."

2. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for items not specifically priced*—(a) *Pricing method for cut-backs, rejects, and plywood produced from short length veneers.* This paragraph (a) applies to plywood which has been rejected by grading process, reclaimed plywood of odd sizes developed by cutting back rejects, and plywood produced from short length veneers developed because of defects in logs. The maximum price is as follows:

The price per thousand feet specified in Appendices A or B for the grade and thickness in the size next lower than the developed size. Where, as in the case of plywall, plyscord, and plyform, the price tables do not carry differentials down to a 24" width, the differentials established for plypanel Sound Two Sides shall be used. For example, if a piece of 5/16" plyscord in a 28" width is developed, the price of $29.70 must be reduced by $1.10, since in 5/16" plypanel the differential between 36" width, which is the narrowest plyscord size, and 24" width is $1.10. Similarly, for 5/16" plywall in a width of 40" the price would be $33.00 less $2.05, since that is the differential between 48" width and 36" width, which is the next narrower width in 5/16" plypanel. For rejects in widths of 24 inches and lower, the 24 inch standard width price shall apply as a yardstick.

(b) *All other grades, services and extras not listed.* If a seller wishes to sell a grade or species of plywood which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted (except as provided in paragraph (a) above), he must apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables between January 1 and August 1, 1941, from the seller's own records or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(4) A true copy of the order or of customer's inquiry on the basis of which the application has been submitted.

(5) A statement by the purchaser that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; and that it has been his custom or that it is now necessary to purchase plywood on such special specifications.

In each case where a special price is approved, an authorization number will be assigned which must appear on all final invoices covering shipments at such special price. Quotations and deliveries may not be made at the requested price until the price has been approved. Action on the request may be by letter or telegram.

Prior to May 31, 1944, the Lumber Branch will assign authorization numbers for each special price previously approved and thereafter such authorization numbers must appear on all invoices covering shipments at such special prices. Special prices are subject to cancellation by letter or telegram at any time.

3. In section 4 (a), the first sentence in Item II is amended by adding a semicolon and the following words "except that in sales in the primary market the inbound transportation shall be computed at a rate of 10½ cents per hundred pounds".

4. In section 5, the last sentence in paragraph (a) is amended by adding after the closing parenthesis the following words "except that in sales in the primary market the inbound transportation shall be computed at a rate of 10½ cents per hundred pounds".

This amendment shall become effective May 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6476; Filed, May 6, 1944; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 34]

BUTCHER CHOPPING BLOCKS AND TOPS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respect:

Section 1499.167 (Appendix B) of Maximum Price Regulation No. 188 is amended by adding the following additional commodities:

Hardwood butcher chopping and meat blocks.

Laminated hardwood butcher cutting tops.

This amendment shall become effective on the 11th day of May 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6475; Filed, May 6, 1944; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 503,[2] Corr. to Amdt. 1]

WESTERN CONTRACT LOGGING SERVICES

In Amendment 1, issued March 20, 1944, in the change designated No. 2 the reference to section 8 (b) is corrected to read "section 6 (b)".

Issued this 6th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6478; Filed, May 6, 1944; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 319,[3] Amdt. 1]

CERTAIN BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 319 is amended in the following respects:

Section 9 is amended to read as follows:

SEC. 9. *Maximum prices of producers for sales to ultimate consumers.* (a) Except as otherwise provided in paragraphs (b) and (c) of this section, the maximum price of the producer for the sale of any commodity listed in Appen-

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12887.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5872, 7967, 8943, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836, 10433, 10907, 11037, 12406, 12479, 12186, 12668, 14622, 14766, 16298, 17415; 9 F.R. 1912, 2556, 3095.

[2] 9 F.R. 303, 3705.

[3] 9 F.R. 3705, 4224.

dix A to ultimate consumers shall be his maximum price which he last calculated and reported for such a sale under the provisions of Maximum Price Regulation 319, subject to the provisions of section 13 of this regulation relating to recalculating and reporting.

(b) The maximum price for sales to ultimate consumers for any commodity listed in Appendix A for which the maximum price has not been calculated and reported, as provided in paragraph (a), shall be determined in accordance with the provisions of section 12 hereof.

(c) When a producer sells the same product both to retailers for sales to ultimate consumers and directly to ultimate consumers he may make sales directly to ultimate consumers at the maximum prices provided by section 11 for sales by such retailers to ultimate consumers.

This amendment shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6538; Filed, May 8, 1944; 11:45 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 12 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (7) is added to read as follows:

(7) For the reporting period beginning June 4, 1944, and ending July 1, 1944—3

This amendment shall become effective this 12th day of May 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6539: Filed, May 8, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 14 to 2d Rev. Supp. 1]

PROCESSED FOODS

The Official Table of Point Values (No. 15) referred to in § 1407.1102 (a) is amended by adding the words "(except puree)" after the word "Tomatoes" under the heading "Vegetables".

This amendment shall become effective May 8, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4320, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6540; Filed, May 8, 1944; 11:46 a. m.]

PART 1412—SOLVENTS

[MPR 28,[1] Amdt. 7]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.263 (h) (1) is amended by inserting after the first sentence thereof a sentence to read as follows:

The maximum price specified in the preceding sentence shall apply to deliveries after November 1, 1943, to Defense Supplies Corporation by Publicker Commercial Alcohol Company of ethyl alcohol of 190 proof produced after November 1, 1943, in its Bigler Street plant during such periods as this plant simultaneously produces ethyl alcohol from grain and from molasses.

This amendment shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6541; Filed, May 8, 1944; 11:45 a. m.]

PART 1424—IMPORTED AND PACKAGED FOODS

[MPR 231,[2] Amdt. 2]

RAW SPICES AND SPICE SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1424.1 is amended to read as follows:

§ 1424.1 *Prohibition against sales of raw spices and spice seeds above maximum prices.* On and after October 7, 1942, or the effective date thereof, as to any amendment to this regulation, regardless of any contract, agreement, lease or other obligation:

No person shall sell, offer to sell, attempt to sell, deliver or transfer raw spices or spice seeds at higher prices than the maximum prices hereinafter established by this regulation, and

No person shall buy, offer to buy, attempt to buy, receive or import in the course of trade or business raw spices or spice seeds at prices higher than the maximum prices hereinafter established by this regulation.

This amendment shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6542; Filed, May 8, 1944; 11:45 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[RMPR 284,[1] incl. Amdts. 1-3]

WESTERN PRIMARY FOREST PRODUCTS

This compilation of Revised Maximum Price Regulation 284 includes Amendment 3, effective May 13, 1944. The text added or amended by Amendment 3 is underscored.

A statement of the considerations involved in the issuance of this revised regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.[2]

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Above sentence added by Supplementary Order 61, 8 F.R. 12552, effective 9-11-43]

§ 1426.151 *Maximum prices for Western primary forest products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 284 (Western Primary Forest Products), which is annexed hereto and made a part hereof, is hereby issued.

REVISED MAXIMUM PRICE REGULATION NO. 284—WESTERN PRIMARY FOREST PRODUCTS

CONTENTS

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[1] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2830, 2947, 3580, 3707, 4542, 4605, 4607.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2339, 4256, 4852, 8016, 12879; 9 F.R. 2668.

[2] 7 F.R. 7844, 9130.

[1] 8 F.R. 6544.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

AUTHORITY: § 1426.151, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of Western primary forest products at higher than maximum prices prohibited.* (a) On and after May 22, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western primary forest products at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *Products, species and transactions covered.* This regulation covers all sales and purchases of the primary forest products listed below when produced in the territory described, except as provided in paragraph (d) below.

(a) *Products covered.* (1) Western mine pit posts and stulls, whether peeled or unpeeled and whether processed or unprocessed, Western mine ties, timbers, blocks, cross bars, caps, lagging, and wedges, and any other wooden mine material.

(2) Western railroad cross ties and switch ties.

(3) Poles and piling.

[Subparagraph (3) amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

(4) Miscellaneous primary forest products.

[Subparagraph (4) added by Am. 3, effective 5-13-44]

(b) *Species covered.* Ponderosa pine (Pinus ponderosa), Idaho white pine (Pinus monticola), sugar pine (Pinus lambertiana), Douglas fir, (Pseudotsuga taxifolia), West Coast hemlock (Tsuga heterophylla, Tsuga mertensiana), true firs (Abies), larch (Larix occidentalis), Engelmann spruce (Picea), incense cedar (Libocedrus decurrens), tamarack (Larix lyallii), redwood (Sequoia sempervirens), lodgepole pine (Pinus contorta), Western red cedar (Thuja plicata), and all other species produced in the territory described below.

(c) *Territory covered.* Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; Cimarron, Texas and Beaver Counties, Oklahoma; those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties; Mexico; and Canada.

(d) *Excepted products and species.* Sawn railroad ties of the Redwood species (Sequoia sempervirens) are not covered by this regulation but remain subject to Maximum Price Regulation No. 253.[3] Railroad ties of Redwood species are subject to this Revised Maximum Price Regulation No. 284 only when they are split or hewn. Wooden mine materials of Redwood, Douglas fir, hemlock or true firs, produced in Oregon and Washington west of the crest of the Cascade Mountains, are not subject to this regulation but to Maximum Price Regulation No. 26[4] or Maximum Price Regulation No. 253.

SEC. 3. *Basic maximum prices.* The basic maximum prices for Western mine materials are set out in section 16, Appendix A; for Western railroad ties in section 17, Appendix B; and for Western poles and piling in section 18, Appendix C; and for miscellaneous primary forest products in section 19, Appendix D. These maximum prices are all f. o. b. the railroad loading-out point or towable waters, nearest the mill or point of production in the normal direction of delivery to the point of destination.

[Sec. 3 amended by Am. 1, 8 F.R. 10560, effective 8-2-43, and Am. 3, effective 5-13-44]

SEC. 4. *Transportation addition.* Except as otherwise provided in paragraph (c) of this section applying to poles and piling (other than lodgepole pine) and in footnotes to Tables 5 and 8, the transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point or towable water prices when the seller makes delivery to the destination. Transportation from the mill or point of production to the railroad loading-out point or booming and rafting ground must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

[Sec. 4 amended by Am. 1, 8 F.R. 10560, effective 8-2-43; and Am. 2, 8 F.R. 15906, effective 11-27-43]

(a) *Common or contract carrier.* (1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in the appendices may not be used. The estimated weight must be taken from the appendices for the exact type of product actually ordered. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each 10 lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter. The charge for transportation shall be evened out to the nearest quarter-dollar per MBM, quarter cent per lineal foot, or five cents per pole, whichever is applicable.

[Subparagraph (1) amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

(2) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two tenths of a cent per 100 pounds to be added to the 30-mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery. In the case of poles and piling only, if the order and shipment are for less than a truckload, a minimum charge for 10,000 pounds may be made."

[Paragraph (b) amended by Am. 1, 8 F.R. 10560, effective 8-2-43; and Am. 2, 8 F.R. 15906, effective 11-27-43]

(c) *Rail shipments of poles and piling (other than lodgepole pine.)* (1) On eastbound shipments by rail the transportation addition for all shippers may be computed as the estimated weights shown in the appropriate table times the rail freight rate from Seattle, Washington.

(2) On southbound shipments by rail or combined water and rail in the case of poles and piling produced in Canada to destinations covered in Pacific Freight Tariff Bureau Tariff No. 80-H or appropriate intrastate tariffs the transportation addition may be computed as the estimated weights shown in the appropriate table times the rail freight rate arrived at as follows:

(i) When the published rail rate is greater than the Seattle, Washington rate, the Bellingham, Washington published rate may be used; on shipments of poles or piling produced in Canada the Bellingham rate may be used regardless of the location of rail shipping point.

(ii) When the published rail rate is greater than the Portland, Oregon rate

[3] 7 F.R. 9230, 10848; 8 F.R. 4136, 4720, 7197, 1169, 11479.

[4] Revised: 9 F.R. 1016, 3513.

but not greater than the Seattle, Washington published rate, the Seattle, Washington published rate may be used.

(iii) When the shipping point is North of the California-Oregon State line and takes a published rail rate not greater than the Portland rate, the Portland published rate may be used.

(iv) When the shipping point is in the State of California the published rate from Arcata, California may be used.

(3) On shipments of Western red cedar poles and piling from points in Idaho, Montana, and that part of Washington east of the crest of the Cascade Mountains to points for which there is no published through railroad freight rate via the Minnesota Transfer-Twin Cities Gateway, the transportation addition may be computed on the basis of the local freight rate or rates from the original loading-out point to destination.

(4) Regardless of the foregoing provisions of this paragraph (c), if a milling-in-transit rate is applicable and results in a lower total cost of transportation, the milling-in-transit rate must be used.

[Paragraph (c) amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

(d) For other means of transportation, where there are no published rates the actual cost of such transportation may be charged, that is, the out-of-pocket cost to the seller whether public or private means of transportation are used.

[Paragraph (c) and (d) added, former (c) redesignated (e) by Am. 1, 8 F.R. 10560, effective 8-2-43]

(e) *Averaging-out.* (1) When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more railroad loading-out points to a single destination on varying freight rates, the seller may average out the transportation charges applying from the railroad loading-out point to the destination.

(2) In order that no single invoice shall appear to be false or over the ceiling, the seller must write on each invoice that the particular shipment is part of a larger order. Then, when shipment has been completed, he must render a final invoice which shows the individual prices, loading-out point, the amount shipped from each loading-out point, each destination, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation.

SEC. 5. *Treatment addition.* An addition for preservative treatment other than treatment specifically priced in this regulation may be made at prices not higher than those permitted by the General Maximum Price Regulation [5] or any other applicable maximum price regulation of the Office of Price Administration.

[Sec. 5 amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

SEC. 6. *Tie contractors' addition.* (a) In Table No. 5, Appendix A, a "tie contractors' addition" is provided. It applies to cross ties (not switch ties) produced in the Fringe Area (as defined in the following section) of Western pine and the associated species listed in Table 5.

(b) The term "tie contractor" is used to describe a person who, prior to October 1, 1942, was enaged in the business of supplying Western railroad cross ties to ultimate users of ties (such as railroads, street railways, industrial plants maintaining track facilities), to contractors engaged in building or maintaining track for war projects, or to persons purchasing ties for resale, and who can meet the following specific requirements:

(1) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Western railroad cross ties;

(2) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced not less than 200,000 board feet of Western railroad cross ties; and

(3) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 1,000,000 board feet of Western railroad cross ties.

(c) The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a tie contractor upon presentation of proof that the granting of this authorization will supply a service needed by tie users by increasing production and availability of cross ties in the area covered by this regulation.

SEC. 7. *Definitions of territories.* (a) The term "North and West Area" means the States of California, Idaho, Montana, and Nevada, and those parts of Oregon and Washington east of the crest of the Cascade Mountains; and Canada.

(b) The term "Fringe Area" means the States of North Dakota, South Dakota, Utah, Wyoming, Colorado, Arizona, and New Mexico; Cimarron, Texas, and Beaver Counties, Oklahoma; and those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties; and Mexico.

(c) The term "Western Schedule" as used in section 18, Table 10, refers to sales of treated poles shipped from treating plants or concentration yards located in California or in those parts of Oregon, Washington, and Canada west of the crest of the Cascade Mountains (regardless of the location of the original loading-out point), and to sales of untreated poles shipped from original loading-out points or from concentration yards in that same territory.

(d) The term "Eastern Schedule", as used in section 18, Table 10A, refers to sales of treated poles shipped from treating plants or concentration yards located outside the area described in paragraph (c), regardless of the location of the original loading-out point. It applies also to sales of untreated poles shipped from original loading-out points or from concentration yards located outside the area described in paragraph (c).

[Paragraphs (c) and (d) added; section heading amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

SEC. 8. *Prohibited practices.*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(4) Making the buyer take something he does not want in order to get what he does want.

SEC. 9. *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating Western primary forest products, or for any related service (such as "expediting") which does not involve actual physical handling of those products, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the products. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the products in connection with which the service is performed.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contem-

[5] 9 F.R. 1385.

plated revision will be the granting of an individual application for adjustment.

[Sec. 10 amended by Supplementary Order 50, 8 F.R. 10568, 14310 effective 7-27-43]

SEC. 11. *Special pricing.* Grades, specifications, lengths, sizes, species and extras of Western primary forest products not specifically priced in the appendices are nevertheless subject to this regulation. Maximum prices for these products will be determined as follows:

[Above paragraph amended; former subparagraphs (1) and (2) redesignated (a) and (b) and amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

(a) The seller should check his records to determine the highest prices at which he sold, during the first month prior to November 1, 1941, both the item to be priced and the most comparable item of Western primary forest products priced in the regulation, which shall be the "yardstick" grade for this computation.

(b) He shall ascertain the difference between the prices of the "yardstick" grade and the item to be priced, and shall determine the tentative maximum price for the item to be priced by adding the difference to the maximum price established for the "yardstick" grade if the item is of greater value than the "yardstick", or subtracting it, if of lesser value. The tentative price obtained by application of the method of computation outlined above shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of the price, together with copies of the invoices of the sales which were used to determine the maximum price. If, within 30 days after the receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of the maximum price, it shall be considered approved and shall thereafter be the maximum price for that seller for that item. Pending action by the Office of Price Administration, the seller may deliver the item and receive payment, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(c) For any grade, specification, length, size, species, or extra for which a maximum price is not provided in the appendices, or which cannot be priced according to paragraphs (a) and (b) above, the maximum price shall be the price established by the Lumber Branch of the Office of Price Administration, Washington, D. C., after full facts have been submitted in support of a request for the establishment of a maximum price. The maximum price may be established by letter or telegram. The period allowed for consideration by the Lumber Branch, and the seller's rights pending disposition of his application, are the same as set out in paragraph (b) above.

SEC. 12. *Petitions for adjustment and amendment.* (a) *Government contracts.* See Procedural Regulation No. 6 [6] for adjustment provisions on certain government contracts or subcontracts.

[Paragraph (a) amended by Supplementary Order 83, 9 F.R. 973, effective 2-1-44]

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[7] issued by the Office of Price Administration.

SEC. 13. *Records.* All sellers of Western primary forest products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 board feet or the equivalent in other measure of Western primary forest products. The records must be kept for two years for inspection by the Office of Price Administration.

[Sec. 13 amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

SEC. 14. *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Paragraph (c) amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43; and Am. 2, 8 F.R. 15906, effective 11-27-43]

SEC. 15. *Exports.* The maximum price for export sales of Western primary forest products is governed by the Second Revised Maximum Export Price Regulation.[9]

SEC. 16. *Appendix A: Maximum prices for Western mine materials.* All maximum prices set forth below are f. o. b. the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment.

The species covered by this Appendix A are: Lodgepole pine, Ponderosa pine, larch, Tamarack, Douglas fir, Engelmann spruce and related species, or any combination of these species, except sawn mine materials of Douglas fir, hemlock and true firs produced in Oregon and Washington west of the crest of the Cascade Mountains.

TABLE NO. 1—WESTERN MINE PIT POSTS AND STULLS

Diameter at small end	Lengths up to and including 8'. Peeled. Per lineal ft.	Lengths over 8'. Per lineal ft. Peeled.	Estimated weights per lineal ft. Green	Estimated weights per lineal ft. Dry
Up to 6", incl	$0.0525	$0.0625	9.0	7.0
Over 6" to 8", incl	.08	.09	16.5	12.5
Over 8" Up to 10", incl	.11	.12	24.0	18.0
Over 10" Up to 12", incl	.1275	.1375	34.0	25.0
Over 12" Up to 14", incl	.165	.175	46.0	35.0
Over 14" Up to 16", incl	.225	.235	58.0	45.0
Over 16" Up to 18", incl	.285	.295	70.0	54.0
Over 18" Up to 20", incl	.36	.37	86.0	65.0
Over 20" Up to 22", incl	.46	.47	104.0	80.0

Deductions for unpeeled Western mine pit posts and stulls:

	Per lineal foot
Up to 12", incl	$0.0075
Over 12", Up to 18", incl	.01
Over 18", Up to 22", incl	.0125

TABLE NO. 2—WESTERN MINE TIES

Up to 6" x 6", 7' and shorter	Mining grade per M' BM	No. 1 mining grade per M' BM	Estimated weights per M' BM Green	Estimated weights per M' BM Dry
North and West Area (See section 7 (a))	$23.50	$28.50	3,800	3,200
Fringe Area (See section 7 (b))	28.50	33.50	3,800	3,200

TABLE NO. 3—WESTERN MINE TIMBERS, BLOCKS, CROSS BARS AND LAGGING

All sizes, up to 20' in length	Mining grade per M' BM	No. 1 mining grade per M' BM	Estimated weights per M' BM Green	Estimated weights per M' BM Dry
North and West Area (See section 7 (a))	$23.50	$28.50	3,800	3,200
Fringe Area (See section 7 (b))	28.50	33.50	3,800	3,200

NOTE: For specified lengths longer than 20', add $2.00 per M' BM.

TABLE NO. 4—WESTERN MINE WEDGES AND CAP PIECES

Size	Maximum prices per piece	Estimated weights per M' BM Green	Estimated weights per M' BM Dry
0" x 2" x 4" x 12" wedge	$0.015	3,800	3,200
0" x 2" x 6" x 20" wedge	.035	3,800	3,200
0" x 3" x 6" x 16" wedge	.04	3,800	3,200
1" x 3" x 6" x 18" wedge	.0625	3,800	3,200
2" x 4" x 6" x 30" wedge	.15	3,800	3,200
2" x 6" x 4" x 30" wedge	.15	3,800	3,200
4" x 6" x 30" cap	.175	3,800	3,200

NOTE: For any size wedge not specifically priced above, a tentative maximum price of $40.00 per M' BM is established. The use of this maximum price is conditional on the filing of copies of the invoices showing a

[6] 7 F.R. 1215, 1636, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 6385, 7240, 8948; 8 F.R. 6042, 7257, 6440.

[7] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

[8] 8 F.R. 13240.

[9] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

complete description of the odd sized wedge so priced within 15 days of the use of it. This tentative maximum price may be adjusted by the Lumber Branch, Office of Price Administration, by letter or telegram, within 30 days after it is filed with that Branch. If not adjusted within that time, it shall become the maximum price for that seller.

[Table amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

SEC. 17. *Appendix B: Maximum prices for railroad ties.* All maximum prices set forth below are f. o. b. cars at the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment.

[Above paragraph amended by Am. 1, 8 F.R. 10560, effective 8-2-43]

TABLE NO. 5—WESTERN PINE, ETC., RAILROAD TIES

(Species: Lodgepole pine, tamarack, Ponderosa pine, larch, Douglas fir, Engelmann spruce and related species, or any combination of these species, except Douglas fir, hemlock and true firs produced in Oregon and Washington west of the crest of the Cascade Mountains; and California and Canada. Specifications: The maximum prices specified below apply to untreated cross ties manufactured in accordance with the specifications of the American Railway Engineering Association.)

Area	Cross ties per M'BM	Switch ties per M'BM	Estimated weights per M'BM	
			Green	Dry
North and West Area (See section 7(a))	$28.50	$31.50	3,800	3,20
Fringe Area (See section 7(b))	28.50	35.50	3,800	3,20

1. In the Fringe Area, but *not* in the North and West Area, a tie contractor may add $5.00 per M'BM on Western railroad cross ties. No tie contractor addition is allowed on switch ties. See Sec. 6 for definition of tie contractor.

2. For railroad ties of Western pine and associated species produced in Arizona, New Mexico, or Colorado and sold f. o. b. mill or point of production, the maximum price shall be $22.50 per M'BM. On delivered sales, additions for transportation may be made in accordance with section 4 (a) and (b), the charges to be computed for the entire haul from mill to destination, but in no case to exceed $10.00 per M'BM.

[Note redesignated footnote 1, footnote 2 added by Am. 2, 8 F.R. 15906, effective 11-27-43]

TABLE NO. 6—DOUGLAS FIR, ETC., RAILROAD TIES

(Species: Douglas fir and other West Coast species produced in Oregon and Washington west of the crest of the Cascade Mountains; and California and Canada. Graded under A. R. E. A. rules or W. C. L. A. Rules No. 12.)

	Cross ties per M'BM		Switch ties per M'BM 8'6"-17'	
A. R. E. A. or select Par. 205	$28.50		$31.50	
No. 1, Par. 206	26.00		29.00	
No. 2, Par. 207	23.00		26.00	
	Green	Dry	Green	Dry
Estimated weights:				
Fir	3,500	3,100	3,300	2,900
Hemlock	4,000	3,200	3,800	3,000

1. No additions for odd or fractional thicknesses, widths, or lengths, except as provided in footnote 5 below.

2. Hemlock and true firs: deduct $1.00 per M'BM.

3. F. O. H. C. ties, add $1.50 per M'BM.

4. For switch ties longer than 17' use timber schedule in Maximum Price Regulation 26—Douglas Fir and Other West Coast Lumber.

5. For 8'6" and 9' cross ties, add $2.00 per M'BM.

[Footnotes 1 and 3 amended and 5 added by Am. 2, 8 F.R. 15906, effective 11-27-43]

TABLE NO. 7—WESTERN RED CEDAR RAILROAD CROSS TIES

[Grades as provided in A. R. E. A. or Par. 727, W. C. L. A. Rules No. 12]

	Per M'BM	Estimated weights	
		Green	Dry
A. R. E. A. or select Par. 205	$32.00	3,000	2,800
No. 1, Par. 206	30.00	3,000	2,800
No. 2, Par. 207	25.50	3,000	2,80

NOTE 1: No additions for odd thicknesses, widths or lengths.

TABLE NO. 8—SPLIT OR HEWN REDWOOD CROSS TIES

[Grades as provided in A. R. E. A. or Standard Specifications for Grades of Redwood Lumber, Rev. Dec. 1942]

	Per M'BM	Estimated weight per M'BM
A. R. E. A. or Par. 172	$38.50	4,000

1. When split redwood ties are delivered by truck from a production or concentration point to any place other than a railroad loading-out point, the maximum price shall be computed on the basis of $32.50 per M'BM f. o. b. the truck loading point, and to this price may be added the trucking charges provided in section 4 (a) or (b), computing the addition for the truck mileage from the truck loading point to destination.

2. When split redwood ties are delivered by truck from the production or concentration point to a railroad loading-out point other than the nearest railroad loading-out point, the maximum price shall be computed on the basis of $32.50 per M'BM f. o. b. the truck loading-out point, and to this price may be added the trucking charges provided in section 4 (a) or (b), computing the addition by multiplying the railroad mileage from the nearest loading point to destination by the applicable trucking rate.

[Footnotes 1 and 2 added by Am. 2, 8 F.R. 15906, effective 11-27-43]

SEC. 18. *Appendix C: Maximum prices for poles and piling.* (a) All maximum prices set forth below are f. o. b. cars at the railroad loading-out point or dumped, boomed, and rafted on towable waters nearest the point of production in the normal direction of delivery to the point of destination.

[Paragraphs (a) amended, (c) (formerly (b)) added by Am. 1, 8 F.R. 10560, effective 8-2-43]

(b) *Averaging inbound transportation charges from multiple basing points.* The addition for inbound transportation may be calculated by multiplying the estimated weight of the material by the local freight rate from the basing point of the untreated poles or piling. If the untreated material is received from more than one basing point, an average rate of all inbound freight may be used. The average must be determined by the following formula:

(1) The total inbound freight charges on all receipts during the preceding three months of the type and species of the item to be priced—divided by—

(2) The total weight of all receipts of such items during the three-month period, regardless of whether inbound freight actually was involved, but excluding any material sold f. o. b. original loading-out point.

This average rate may be used in computing the "inbound freight" addition on all sales f. o. b. treating plant made during the quarter next following that on which the average is based. The average may also be used in selling on a delivered basis as provided in section 4, except that where treating-in-transit rates are available, the entire addition for transportation (including inbound) must be figured on the through rate from the loading-out point indicated on the freight bills surrendered in connection with the outbound shipment. The transit charge itself may be added.

[Paragraph (b) added; former (h) redesignated (c) by Am. 2, 8 F.R. 15906, effective 11-27-43]

(c) *Quantity discounts on treated poles.* When the seller takes a firm order for treated poles, he must make discounts for quantity as follows:

	Percent
For 3,000 to 4,999 poles	2½
For 5,000 poles or more	5

For purposes of this paragraph a "firm order" is one requiring shipment from time to time over a period of 12 months, as ordered by the buyer, with guarantee of payment for any poles not ordered shipped at the end of the 12-month period, and covering at least 5 lengths with 3 classes in each length. The maximum price for treated poles subject to this discount is the sum of the appropriate untreated price taken from Table 9, 10, 10A, or 11 and the additions for treatment and services made according to Table 10C or section 5, excluding any addition for transportation.

[Sec. 18 amended by Am. 1, 8 F.R. 10560, effective 8-2-43, and as otherwise noted]

TABLE NO. 9—LODGEPOLE PINE POLES AND PILING

[Specifications: The maximum prices specified below apply to Lodgepole pine poles manufactured in accordance with the specifications of the American Standards Association]

Length	Class	Estimated weight per pole shipping dry	Maximum price for each pole
		Lbs.	
16'	6	155	$1.70
	7	135	1.50
	8	120	1.15
	9	110	.90
20'	5	300	2.95
	6	225	2.20
	7	200	1.75
	8	180	1.55
	9	135	1.10
	10	125	.90
25'	1	850	5.15
	2	720	4.95
	3	600	4.45
	4	480	4.25
	5	400	3.95
	6	320	2.85
	7	250	2.45
	8	225	2.20
	9	200	1.70

TABLE NO. 9—Continued

Length	Class	Estimated weight per pole shipping dry	Maximum price for each pole
		Lbs.	
30'	1	1,600	$5.50
	2	850	5.10
	3	730	4.90
	4	610	4.70
	5	500	4.45
	6	420	3.80
	7	350	3.60
	8	325	3.40
	9	250	2.55
35'	1	1,200	7.00
	2	1,000	6.80
	3	850	6.60
	4	750	6.40
	5	650	5.80
	6	560	5.00
	7	470	4.00
	8	450	3.80
40'	1	1,500	8.05
	2	1,300	7.65
	3	1,100	7.45
	4	900	7.20
	5	800	6.80
	6	700	6.15
45'	1	1,800	9.90
	2	1,550	9.45
	3	1,300	9.00
	4	1,150	8.40
	5	1,000	7.90
50'	1	2,000	13.55
	2	1,800	12.60
	3	1,550	10.90
	4	1,400	10.20
	5	1,300	9.50
55'	1	2,300	24.00
	2	2,000	19.70
	3	1,750	14.70
	4	1,600	12.10
	5	1,450	11.40
60'	1	2,600	29.45
	2	2,200	24.00
	3	2,000	19.00
	4	1,900	15.20

1. The maximum prices for Lodgepole pine piling shall be the maximum price established in this Table 9 for the most nearly equivalent A. S. A. size pole of the same length.

[Table heading amended and footnote 1 added by Am. 1, 8 F.R. 10560, effective 8-2-43]

TABLE NO. 10—MAXIMUM PRICES FOR WESTERN RED CEDAR POLES—WESTERN SCHEDULE

[See section 7 (c). F.o.b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	Class	Estimated weight in pounds per pole	Maximum price, each
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.05
18	3	440	4.60
	4	350	3.85
	5	265	3.20
	6	185	2.30
	7	175	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	615	5.65
	2	530	5.40
	3	440	4.95
	4	350	4.10
	5	265	3.35
	6	200	2.45
	7	175	2.30
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.50
	9	180	1.90
	10	120	1.85

TABLE NO. 10—Continued

A. S. A. Length in feet	Class	Estimated weight in pounds per pole	Maximum price, each
25	1	750	$5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.50
	9	180	1.90
	10	120	1.85
30	H. D.	1,285	13.00
30" Top	1	1,120	11.15
	1	880	7.00
30" Top	2	960	10.75
	2	750	6.75
	3	645	6.45
	4	540	6.10
	5	440	5.80
	6	370	5.35
	7	310	4.95
	8	295	4.85
	9	225	4.10
35	H. D.	1,460	15.95
30" Top	1	1,385	13.00
	1	1,055	9.45
30" Top	2	1,180	12.40
	2	880	9.15
	3	750	8.75
	4	660	8.40
	5	570	7.65
	6	495	7.00
	7	415	5.95
	8	445	5.85
40	H. D.	1,725	24.35
30" Top	1	1,560	15.95
	1	1,320	11.15
30" Top	2	1,400	14.50
	2	1,145	10.75
	3	970	10.10
	4	790	9.55
	5	705	8.65
	6	615	8.05
	7	615	7.90
45	H. D.	1,990	28.40
30" Top	1	1,825	24.35
	1	1,585	13.00
30" Top	2	1,575	20.80
	2	1,365	12.40
	3	1,145	11.50
	4	1,010	10.75
	5	880	9.90
	6	880	9.70
50	H. D.	2,515	36.45
30" Top	1	2,090	28.40
	1	1,760	15.95
30" Top	2	1,750	25.85
	2	1,585	14.50
	3	1,365	13.25
	4	1,230	12.20
	5	1,145	10.95
	6	1,145	10.95
55	H. D.	2,870	43.50
30" Top	1	2,615	36.45
	1	2,025	24.35
30" Top	2	2,015	30.35
	2	1,760	20.80
	3	1,540	15.75
	4	1,410	12.75
	5	1,410	12.20
60	H.D.	3,395	48.50
30" Top	1	2,970	43.50
	1	2,290	28.40
30" Top	2	2,455	37.90
	2	1,935	25.85
	3	1,760	20.30
	4	1,670	16.30
65	H.D.	4,100	64.65
30" Top	1	3,495	48.50
	1	2,815	36.45
30" Top	2	2,985	44.00
	2	2,200	30.35
	3	2,025	25.60
	4	1,935	21.05
70	H.D.	4,540	82.65
30" Top	1	4,300	64.65
	1	3,170	43.50
30" Top	2	3,510	58.05
	2	2,640	37.90
	3	2,375	31.40
	4	2,200	27.05
75	1	3,695	48.50
	2	3,170	44.00
	3	2,730	38.20
	4	2,640	32.85
80	1	4,400	64.65
	2	3,695	58.05
	3	3,170	50.75
	4	3,080	46.40
85	1	4,840	82.65
	2	3,960	72.60
	3	3,520	61.50
	4	3,520	60.45
90	1	5,810	100.70
	2	4,930	95.60
	3	4,225	90.60

[Table No. 10 amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE

[See section 7 (d). F. o. b. Cars Loading-out point of dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	Class	Estimated weight in pounds per pole	Maximum price, each
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.05
18	3	400	4.60
	4	320	3.85
	5	240	3.20
	6	180	2.30
	7	160	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	560	5.65
	2	480	5.40
	3	400	4.90
	4	320	4.10
	5	240	3.35
	6	180	2.45
	7	160	2.05
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
25	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
30	H. D.	1,200	11.55
30" Top	1	1,000	9.60
	1	800	6.40
30" Top	2	855	9.20
	2	680	6.25
	3	585	6.05
	4	490	6.05
	5	400	5.80
	6	335	4.70
	7	280	4.30
	8	295	4.10
	9	225	3.10
35	H. D.	1,440	14.30
30" Top	1	1,240	11.05
	1	960	8.95
30" Top	2	1,055	10.50
	2	800	8.65
	3	680	8.55
	4	600	8.40
	5	520	7.65
	6	450	6.40
	7	375	5.00
	8	405	4.75
40	H. D.	1,600	24.35
30" Top	1	1,400	14.30
	1	1,200	9.95
30" Top	2	1,255	13.30
	2	1,040	9.45
	3	880	9.15
	4	720	8.90
	5	640	8.40
	6	560	7.65
	7	560	7.35
45	H.D.	1,840	28.40
30" Top	1	1,640	24.35
	1	1,440	11.55
30" Top	2	1,415	20.80
	2	1,240	11.00
	3	1,040	10.50
	4	920	9.95
	5	800	8.95
	6	800	8.80
50	H.D.	2,080	36.45
30" Top	1	1,880	28.40
	1	1,600	14.30
30" Top	2	1,575	25.85
	2	1,440	13.30
	3	1,240	11.80
	4	1,120	10.95
	5	1,040	9.95
	6	1,040	9.95

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
55	H. D.	2,560	$43.50
30" Top	1	2,360	36.45
	1	1,840	24.35
30" Top	2	1,815	30.35
	2	1,600	20.80
	3	1,400	15.75
	4	1,280	12.75
	5	1,280	12.20
60	H. D.	2,880	48.50
30" Top	1	2,680	43.50
	1	2,080	28.40
30" Top	2	2,215	37.90
	2	1,760	25.85
	3	1,600	20.30
	4	1,520	16.30
65	H. D.	3,360	64.65
30" Top	1	3,160	48.50
	1	2,560	36.45
30" Top	2	2,695	44.00
	2	2,000	30.35
	3	1,840	25.60
	4	1,760	21.05
70	H. D.	4,000	82.65
30" Top	1	3,800	64.65
	1	2,880	43.50

TABLE NO. 10A—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

[See section 7 (d). F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price, each
70—Continued.			
30" Top	2	3,175	$58.05
	2	2,400	37.90
	3	2,160	31.40
	4	2,080	27.05
75	1	3,360	48.50
	2	2,880	44.00
	3	2,480	38.20
	4	2,400	32.85
80	1	4,000	64.65
	2	3,360	58.05
	3	2,880	50.75
	4	2,800	46.40
85	1	4,400	82.65
	2	3,600	72.60
	3	3,200	61.50
	4	3,200	60.45
90	1	5,280	100.70
	2	4,480	85.60
	3	3,840	90.00

[Table 10A amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

TABLE NO. 10B—MAXIMUM PRICES FOR WESTERN RED CEDAR AND DOUGLAS FIR RE-INFORCING STUBS—ANCHOR LOGS—SHORT ROUND MATERIAL OTHER THAN MINE PIT POSTS AND STULLS—PROCESSING AND NON-PRESSURE TYPE PRESERVATIVE TREATMENT OF SAME—EASTERN OR WESTERN SCHEDULE

[F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Minimum diameter small end	Minimum circumference small end	Estimated weight in pounds per lineal ft.	Maximum price for each lineal ft. or fraction thereof	Maximum charge for roofing each piece	Maximum Charge for Preservative Treatment Spec. ½" Pen.	
					5' butt treatment	Each additional foot or fraction thereof
5 inch	15 inch	6#	$0.07½	$0.08	$1.00	$0.09
6 inch	18½ inch	8#	.10	.09	1.30	.11
7 inch	22 inch	10#	.11½	.10	1.55	.14
8 inch	25 inch	15#	.15	.12	1.80	.18
9 inch	28 inch	20#	.18	.13	2.00	.22
10 inch	31 inch	25#	.20	.15	2.40	.25
11 inch	34 inch	30#	.21	.16	2.70	.29
12 inch	38 inch	35#	.23	.18	3.35	.36
13 inch	41 inch	40#	.25	.19	4.05	.43
14 inch	44 inch	45#	.26	.21	4.75	.50
15 inch	47 inch	50#	.28	.23	5.30	.58
16 inch	50 inch	55#	.30	.25	6.10	.65

GENERAL NOTES APPLYING TO TABLES 10, 10A, AND 10B

1. These prices include all production costs before processing and treating such as yarding and inspection.

2. *Piling.* The maximum price for Western Red Cedar piling shall be the price for the closest equivalent A. S. A. size pole in the same length.

3. On orders to established concentration, distribution or treating plant yards for less than carload minimum weight as established by railroad tariffs, and where the invoice value at maximum prices for the untreated poles or other round material does not exceed $300.00 on items 50 feet and shorter, or $450.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value of the treated or untreated material not including transportation but including the treating and processing additions provided in Table 10C. The transportation addition on "less than carload sales" must not exceed that permitted by section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the shipment is made. The service charge may be made only on sales, f. o. b. seller's yard, with transportation outbound for the buyer's account.

4. *Cut back allowance.* When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yards. No addition may be made for the labor included in such cutting back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

5. *Inspection service.* On shipments where the buyer requests special inspection service, furnished by an approved inspection

agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

6. *Branding and marking.* The manufacturer's brand showing year mark, class, and length of pole may be branded on the face of butt treated poles at no extra charge. For any additional branding or marking on butt treated poles, and for all branding on untreated poles, an addition of not more than 7½ cents may be made for each additional branding or marking operation required by the buyer and performed with one iron.

[Table heading and footnotes 3 and 6 amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

7. *Heavy duty and 30" top poles.* On sales of heavy duty and 30" top #1 and #2 poles an addition for inbound freight may be added computed at the difference in estimated weights between the pole as sold and the pole cut back times the freight rate to the concentration yard.

8. *Untreated poles, stubs, anchor logs and short round material.* On shipments from treating plant yards of untreated poles, stubs, anchor logs and short round material, the seller may add a charge of not more than $.075 per cwt. times the estimated weight for that length and size in the appropriate table.

9. *Storage.* When the buyer requires storage of treated poles until released for shipment as required, the seller may add a yarding charge of not more than $.05 per cwt. times the estimated weight for the same class and length in the appropriate table.

10. *Specifications not priced.* To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest larger circumference 6' from the butt, and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C. as provided in section 11.

TABLE NO. 10C—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR NONPRESSURE TYPE TREATMENT AND PROCESSING WESTERN RED CEDAR POLES

A. S. A.		Butt treated, incised, ½" guaranteed penetration creosote treatment[1]	Full length creosote or other preservative without separate butt treatment		Roof only	Roof and one gain	Each additional gain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price[4]
Length in feet	Class		Incised ground line area and treated over 2 hours and under 8 hours hot or cold[2]	Incised ground line area and 8 hours minimum hot followed by cold treatment[2 3]						
16	5	$1.15	$1.00	$1.35	$0.11	$0.19	$0.08	$0.75	$0.40	$0.05
	6	1.05	.90	1.20	.11	.19	.08	.70	.40	.05
	7	.90	.80	1.05	.11	.19	.08	.70	.40	.05
	8	.75	.75	.95	.11	.19	.08	.70	.35	.05
	9	.65	.65	.90	.07	.15	.08	.65	.35	.05
	10	.50	.60	.85	.07	.15	.08	.45	.35	.05
18	3	1.60	1.65	2.20	.15	.22	.08	1.10	.75	.05
	4	1.40	1.55	2.05	.11	.19	.08	1.05	.60	.05
	5	1.20	1.20	1.60	.11	.19	.08	.85	.55	.05
	6	1.15	1.00	1.30	.11	.19	.08	.75	.45	.05
	7	1.00	.90	1.20	.11	.19	.08	.75	45	.05
	8	.85	.80	1.05	.11	.19	.08	.75	.45	.05
	9	.75	.75	.95	.07	.15	.08	.70	.40	.05
	10	.65	.65	.90	.07	.15	.08	.50	.30	.05
20	1	2.10	2.10	2.90	.15	.22	.08	1.15	.75	.05
	2	1.90	1.85	2.50	.15	.22	.08	1.15	.75	.05
	3	1.75	1.75	2.35	.15	.22	.08	1.15	.75	.05
	4	1.50	1.60	2.15	.11	.19	.08	1.00	.60	.05
	5	1.30	1.40	1.90	.11	.19	.08	.90	.55	.05
	6	1.15	1.30	1.75	.11	.19	.08	.80	.45	.05
	7	1.00	1.20	1.60	.11	.19	.08	.80	.45	.05
	8	.85	1.00	1.35	.11	.19	.08	.80	.45	.05
	9	.75	.90	1.20	.07	.15	.08	.75	.40	.05
	10	.65	.75	1.00	.07	.15	.08	.55	.30	.05
22	1	2.35	2.25	3.05	.18	.26	.08	1.30	.95	.05
	2	2.15	2.00	2.70	.18	.26	.08	1.20	.85	.05
	3	1.95	1.85	2.50	.15	.23	.08	1.10	.70	.05
	4	1.70	1.75	2.35	.15	.23	.08	1.00	.60	.05
	5	1.50	1.50	2.05	.11	.19	.08	.90	.55	.05
	6	1.35	1.40	1.85	.11	.19	.08	.85	.45	.05
	7	1.30	1.25	1.70	.11	.19	.08	.80	.45	.05
	8	1.30	1.10	1.45	.11	.19	.08	.80	.45	.05
	9	1.15	1.10	1.30	.07	.15	.08	.75	.45	.05
	10	1.10	.90	1.15	.07	.15	.08	.75	.45	.05
25	1	2.35	2.40	3.20	.18	.26	.08	1.30	.95	.05
	2	2.15	2.20	2.95	.18	.26	.08	1.20	.85	.05
	3	1.95	1.95	2.60	.15	.23	.08	1.10	.70	.05
	4	1.70	1.85	2.45	.15	.23	.08	1.00	.60	.05
	5	1.50	1.60	2.15	.11	.19	.08	.90	.55	.05
	6	1.35	1.45	1.95	.11	.19	.08	.85	.45	.05
	7	1.30	1.35	1.80	.11	.19	.08	.80	.45	.05
	8	1.30	1.25	1.65	.11	.19	.08	80	.45	.05
	9	1.15	1.20	1.60	.07	.15	.08	.75	.45	.05
	10	1.10	1.10	1.45	.07	.15	.08	.75	.45	.05
30	H. D.	4.00	3.55	4.70	.30	.41	.11	1.80	1.35	.35
30" Top	1	3.55	3.10	4.15	.26	.37	.11	1.70	1.20	.30
	1	2.65	2.95	3.95	.22	.30	.08	1.45	1.05	.15
30" Top	2	3.20	2.85	3.75	.26	.37	.11	1.60	1.15	.25
	2	2.40	2.70	3.60	.22	.30	.08	1.35	1.00	.10
	3	2.20	2.55	3.35	.18	.26	.08	1.25	.85	.10
	4	1.95	2.25	3.00	.15	.23	.08	1.10	.70	.10
	5	1.75	2.05	2.75	.11	.19	.08	1.00	.70	.10
	6	1.60	1.90	2.55	.11	.19	.08	.95	.65	.10
	7	1.50	1.75	2.35	.11	.19	.08	.90	.60	.10
	8	1.30	1.70	2.25	.11	.19	.08	.90	.55	.10
	9	1.30	1.55	2.05	.07	.15	.08	.90	.55	.10

Footnotes at end of table.

TABLE NO. 10C—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR NONPRESSURE TYPE TREATMENT AND PROCESSING WESTERN RED CEDAR POLES—Continued

A. S. A.		Butt treated, incised, ½" guaranteed penetration creosote treatment[1]	Full length creosote or other preservative without separate butt treatment		Roof only	Roof and one gain	Each additional gain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price
Length in feet	Class		Incised ground line area and treated over 2 hours and under 8 hours hot or cold[2]	Incised ground line area and 8 hours mimimum hot followed by cold treatment[2,3]						
35	H. D.	$4.50	$4.15	$5.55	$0.30	$0.41	$0.11	$1.95	$1.50	$0.40
30" Top	1	4.00	3.75	4.95	.30	.41	.11	1.80	1.35	.40
	1	3.10	3.55	4.75	.26	.37	.11	1.60	1.20	.15
30" Top	2	3.75	3.35	4.50	.26	.37	.11	1.75	1.30	.40
	2	2.75	3.20	4.25	.26	.34	.08	1.45	1.05	.15
	3	2.50	2.95	3.95	.22	.30	.08	1.35	1.00	.15
	4	2.30	2.75	3.65	.18	.26	.08	1.30	.90	.15
	5	2.10	2.50	3.35	.18	.26	.08	1.20	.85	.15
35	6	1.80	2.30	3.10	.15	.23	.08	1.15	.75	.15
	7	1.65	2.10	2.85	.15	.23	.08	1.15	.70	.15
	8	1.65	1.95	2.60	.15	.23	.08	1.15	.70	.15
40	H. D.	5.05	5.10	6.80	.34	.45	.11	2.10	1.75	.40
30" Top	1	4.50	4.45	5.95	.30	.41	.11	1.95	1.50	.40
	1	3.55	4.25	5.65	.26	.37	.11	1.70	1.20	.40
30" Top	2	4.25	4.25	5.65	.30	.41	.11	1.90	1.50	.40
	2	3.20	3.90	5.20	.26	.37	.11	1.60	1.15	.40
	3	2.80	3.60	4.80	.23	.34	.11	1.45	1.05	.35
	4	2.60	3.30	4.40	.19	.30	.11	1.40	1.00	.30
	5	2.30	3.00	4.00	.19	.30	.11	1.30	.95	.25
	6	2.05	2.70	3.60	.19	.30	.11	1.30	.95	.20
	7	2.05	2.60	3.45	.19	.30	.11	1.30	.95	.15
45	H. D.	5.80	6.70	8.95	.34	.45	.11	2.25	1.90	.60
30" Top	1	5.05	5.90	7.85	.34	.45	.11	2.10	1.75	.60
	1	4.00	5.60	7.45	.30	.41	.11	1.80	1.35	.55
30" Top	2	4.60	5.45	7.30	.30	.41	.11	2.00	1.70	.40
	2	3.75	5.20	6.95	.26	.37	.11	1.75	1.30	.50
	3	3.25	4.75	6.35	.23	.34	.11	1.60	1.25	.40
	4	2.95	4.45	5.95	.23	.34	.11	1.60	1.20	.40
	5	2.50	4.05	5.40	.23	.34	.11	1.60	1.15	.30
	6	2.50	3.90	5.20	.23	.34	.11	1.60	1.15	.25
50	H. D.	6.55	7.70	10.25	.34	.45	.11	2.40	2.40	1.20
30" Top	1	5.80	6.70	8.95	.34	.45	.11	2.25	1.90	.85
	1	4.50	6.40	8.55	.30	.41	.11	1.95	1.60	.50
30" Top	2	5.10	6.30	8.40	.30	.41	.11	2.05	1.90	.45
	2	4.25	6.00	7.80	.30	.41	.11	1.90	1.50	.45
	3	3.65	5.55	7.40	.26	.37	.11	1.75	1.50	.40
	4	3.30	5.25	7.00	.26	.37	.11	1.70	1.35	.40
	5	2.70	4.85	6.45	.26	.37	.11	1.70	1.25	.40
	6	2.70	4.75	6.35	.26	.37	.11	1.70	1.20	.40
55	H. D.	7.10	8.75	11.70	.34	.45	.11	2.55	2.25	1.85
30" Top	1	6.55	7.65	10.20	.34	.45	.11	2.40	2.40	1.20
	1	5.05	7.30	9.75	.34	.45	.11	2.10	1.75	.75
30" Top	2	5.55	7.05	9.45	.30	.41	.11	2.20	2.30	1.20
	2	4.60	6.75	9.00	.30	.41	.11	2.00	1.70	.65
	3	4.10	6.25	8.35	.26	.37	.11	1.85	1.65	.45
	4	3.60	5.90	7.85	.26	.37	.11	1.80	1.55	.45
	5	3.30	5.60	7.45	.26	.37	.11	1.80	1.45	.45
60	H. D.	8.00	9.80	13.05	.34	.45	.11	2.70	2.90	1.70
30" Top	1	7.10	8.55	11.40	.34	.45	.11	2.55	2.65	1.45
	1	5.80	8.15	10.85	.34	.45	.11	2.25	2.20	1.20
30" Top	2	6.35	7.95	10.55	.30	.41	.11	2.65	2.35	1.50
	2	5.10	7.60	10.15	.30	.41	.11	2.05	2.10	1.10
	3	4.50	7.05	9.40	.26	.37	.11	1.95	2.00	1.00
	4	3.95	6.70	8.95	.26	.37	.11	1.95	1.90	1.00
65	H. D.	9.80	11.20	14.95	.34	.45	.11	2.85	3.10	1.70
30" Top	1	8.00	9.80	13.10	.34	.45	.11	2.70	2.80	1.80
	1	6.55	9.35	12.45	.34	.45	.11	2.40	2.40	1.50
30" Top	2	7.10	8.70	11.65	.34	.45	.11	2.55	2.60	1.80
	2	5.55	8.30	11.05	.30	.41	.11	2.20	2.30	1.40
	3	5.05	7.85	10.45	.26	.37	.11	2.10	2.20	1.30
	4	4.70	7.45	9.95	.26	.37	.11	2.10	2.10	1.20
70	H. D.	9.90	11.35	15.15	.34	.45	.11	3.00	3.20	2.10
30" Top	1	9.80	10.80	14.40	.34	.45	.11	2.85	3.10	1.80
	1	7.10	10.30	13.75	.34	.45	.11	2.55	2.65	1.95
30" Top	2	8.05	9.75	13.00	.34	.45	.11	2.70	2.80	1.80
	2	6.35	9.30	12.40	.30	.41	.11	2.35	2.35	1.75
	3	5.80	8.75	11.65	.26	.37	.11	2.25	2.20	1.65
	4	5.00	8.35	11.15	.26	.37	.11	2.25	2.10	1.45
75	1	8.00	11.50	15.35	.34	.45	.11	2.70	2.90	2.00
	2	7.10	10.60	14.15	.34	.45	.11	2.55	2.50	1.90
	3	6.55	9.70	12.95	.34	.45	.11	2.40	2.40	1.80
	4	5.60	9.30	12.40	.34	.45	.11	2.40	2.30	1.70
80	1	9.80	12.95	17.25	.34	.45	.11	2.85	3.10	2.20
	2	8.05	11.75	15.65	.34	.45	.11	2.70	2.80	2.10
	3	7.20	10.80	14.40	.34	.45	.11	2.55	2.40	2.00
	4	5.80	10.45	13.95	.34	.45	.11	2.55	2.25	2.00
85	1	9.90	14.15	18.85	.34	.45	.11	3.00	3.20	2.50
	2	8.80	12.60	16.80	.34	.45	.11	2.85	3.00	2.30
	3	7.80	11.75	15.65	.34	.45	.11	2.70	2.80	2.10
	4	7.30	11.65	15.55	.34	.45	.11	2.70	2.60	2.00
90	1	10.90	15.85	21.15	.34	.45	.11	3.15	3.60	2.90
	2	9.75	14.35	19.15	.34	.45	.11	3.00	3.40	2.80
	3	8.60	13.30	17.75	.34	.45	.11	2.85	3.20	2.70

[1] On poles treated west of the crest of the Cascade Mountains or in California these prices may be increased by 5%. If poles are not incised no increase to these prices is allowed.

[2] If the buyer does not require ground-line incising with this type of treatment deduct 5½ from the price of under 8 hours' treatment.

[3] Where guaranteed penetration at the ground line area is required in this type of treatment add to these prices the ½" guaranteed penetration butt treating addition for the same length and class of pole.

[4] This addition is permitted when the sapwood is reduced in machine shaving to less than ½" average thickness.

[Table heading, box headings, and footnotes 1 and 3 amended by Am. 2, 8 F.R. 15906, effective 11-27-43]

1. *Additional height butt treatment:* An additional charge may be made for creosote butt treatment of one foot or portion thereof in excess of the standard height, but the total charge must not be more than the maximum charge for cresote butt treatment of the same class pole five feet longer.

2. *Extended incised area:* When the buyer requires an extended ground-line incised area greater than 3 feet, the maximum charge for creosote butt treatment shall not exceed the maximum charge for the next larger class pole in the five foot longer length to provide for this service and any additional height treatment.

3. *Bolt holes and step holes:* For the first boring in any plane of a pole, stub, anchor log or other short round material add $0.05. For each additional boring in that same plane add $0.03.

4. *Continuous slag gain:* An addition may be made for each 12 inches or part thereof of continuous slab gain not to exceed the charge for "Each Additional Gain."

5. *Full length immersion of butt treated poles:* For butt treated poles immersed full length in creosote, stain or other preservative, under 2 hours the seller may add to the butt treated price the staining and painting charge for the same length and class of pole.

6. *Push braces.* For framing and boring on push brace poles, an addition of $0.50 may be made to the maximum price for class and length of pole used.

[Footnote 5 amended; 6 added; and former 6 redesignated 7 by Am. 2, 8 F.R. 15906, effective 11-27-43]

7. *Specifications not priced:* For any specification of treating or processing not priced in this table a maximum price addition may be determined in accordance with section 11.

TABLE NO. 11—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS

[F. O. B. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length in feet	Class	Weight in pounds		Price	
		Each	Per linear foot	Each	Per linear foot
16-18-20	10	200	10	$1.60	$0.08
	9	220	11	1.70	.085
	8	260	13	1.80	.09
	7	310	15.5	1.90	.095
	6	350	17.5	2.00	.10
	5	400	20	2.10	.105
	4	440	22	2.20	.11
	3	490	24.5	2.40	.12
	2	530	26.5	2.60	.13
	1	580	29	3.00	.15
22-25	10	250	10	2.25	.09
	9	300	12	2.38	.095
	8	350	14	2.50	.10
	7	400	16	2.63	.105
	6	463	18.5	2.75	.11
	5	525	21	3.00	.12
	4	575	23	3.25	.13
	3	600	24	3.50	.14
	2	650	26	3.75	.15
	1	700	28	4.25	.17
30	9	390	13	3.00	.10
	8	450	15	3.15	.105
	7	480	16	3.30	.11
	6	510	17	3.60	.12
	5	600	20	3.90	.13
	4	690	23	4.20	.14
	3	810	27	4.50	.15
	2	930	31	5.10	.17
	1	1,110	37	5.70	.19
35	8	560	16	3.85	.11
	7	595	17	4.20	.12
	6	665	19	4.90	.14
	5	770	22	5.25	.15
	4	875	25	5.60	.16
	3	1,085	31	6.30	.18
	2	1,260	36	6.65	.19
	1	1,435	41	7.70	.22
40	7	680	17	5.20	.13
	6	800	20	5.60	.14
	5	920	23	6.40	.16
	4	1,120	28	7.20	.18
	3	1,320	33	8.00	.20
	2	1,560	39	8.80	.22
	1	1,760	44	9.20	.23

TABLE NO. 11—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATION SPECIFICATIONS—Continued

[F. O. B. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length in feet	Class	Weight in pounds		Price	
		Each	Per linear foot	Each	Per linear foot
45	7	810	18	$6.30	$0.14
	6	945	21	7.20	.16
	5	1,125	25	8.10	.18
	4	1,350	30	9.00	.20
	3	1,575	35	9.45	.21
	2	1,845	41	10.35	.23
	1	2,070	46	11.25	.25
50	7	950	19	7.50	.15
	6	1,100	22	8.00	.16
	5	1,300	26	9.50	.19
	4	1,600	32	10.50	.21
	3	1,850	37	11.50	.23
	2	2,150	43	12.50	.25
	1	2,500	50	13.00	.26
55	6	1,320	24	11.00	.20
	5	1,540	28	11.53	.21
	4	1,815	33	12.10	.22
	3	2,145	39	13.20	.24
	2	2,475	45	14.30	.26
	1	2,860	52	14.80	.27
60	5	1,740	29	13.20	.22
	4	2,040	34	14.40	.24
	3	2,460	41	15.60	.26
	2	2,820	47	16.20	.27
	1	3,360	56	16.80	.28
65	5	2,015	31	14.95	.23
	4	2,340	36	16.25	.25
	3	2,795	43	17.55	.27
	2	3,250	50	18.85	.29
	1	3,835	59	19.50	.30
70	5	2,240	32	16.80	.24
	4	2,590	37	18.20	.26
	3	3,080	44	19.60	.28
	2	3,640	52	21.00	.30
	1	4,340	62	21.70	.31
75	4	2,925	39	20.25	.27
	3	3,450	46	21.75	.29
	2	4,050	54	23.25	.31
	1	4,800	64	24.00	.32
80	4	3,200	40	22.40	.28
	3	3,760	47	24.00	.30
	2	4,400	55	25.60	.32
	1	5,240	65.5	26.40	.33
85	3	4,165	49	27.20	.32
	2	4,930	58	28.90	.34
	1	5,780	68	29.75	.35
90	3	4,950	55	30.60	.34
	2	5,400	60	32.40	.36
	1	6,300	70	33.30	.37

1. To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest larger circumference 6' from the butt and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced, such as roofing or framing, shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., as provided in section 11.

For length specifications

All additions allowed by the following footnotes must be shown separately on the invoice.

In all the specified length groups below, the lengths shall be evenly distributed.

2. For specified length groups, 5 or more consecutive lengths in A. S. A. multiples: No addition.

3. For specified length groups, of 4 consecutive lengths in A. S. A. multiples: add $.005 per lin. ft.

4. For specified length groups, of 3 consecutive lengths in A. S. A. multiples: add $.01 per lin. ft.

5. For specified length groups, of 2 consecutive lengths in A. S. A. multiples: add $.015 per lin. ft.

6. For specified single length: add $.02 per lin. ft.

7. For random length orders when the purchaser specifies restricted loading, the seller may add ⅔ of the appropriate specified length addition above.

Winter or bark stuck peeling

8. For clean peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add $.02 per lin. ft.

9. For rough peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add $.01 per lin. ft.

10. *Butt treating.* When fir poles are sold butt-treated, the seller may apply, in accordance with section 11, for authorization of an addition to the untreated fir pole price.

11. *Less than carload sales.* On orders to established concentration, distribution or treating plant yards for less-than-carload minimum weights as established by railroad tariffs and where the invoice value at maximum prices for the untreated poles or other round material does not exceed $175.00 on items 50 feet and shorter, or $250.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value of the butt treated or untreated material not including transportation but including the treating additions provided in footnote 10 above. The transportation addition on "less-than-carload sales" must not exceed that permitted in section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the sale is made. The service charge may be made only on sales f. o. b. seller's yard, with transportation outbound for the buyer's account.

12. *Cut back allowance.* When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yard. No addition may be made for the labor included in such cutting-back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

13. *Inspection service.* On shipments where the buyer requests special inspection service, furnished by an approved inspection agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

14. *Branding and marking.* The manufacturer's brand showing year mark, class, and length of pole may be branded on the face of butt treated poles at no extra charge. For any additional branding or marking on butt treated poles, and for all branding on untreated poles, an addition of not more than 7½ cents may be made for each additional branding or marking operation required by the buyer and performed with one iron.

15. *Untreated poles, stubs, anchor logs, and short round material.* On shipments from treating plant yards of untreated poles, stubs, anchor logs and short round material, the seller may add a charge of not more than $.075 per cwt. times the estimated weight for that length and size in the appropriate table.

16. *Storage.* When the buyer requires storage of butt treated poles for a minimum of 30 days until released for shipment as required, the seller may add a yarding charge of not more than $.05 per cwt. times the estimated weight for the same class and length in the appropriate table.

[Footnotes 10 through 16 added by Am. 2, 8 F.R. 15906, effective 11-27-43]

TABLE NO. 12—CLEANEDPEELED DOUGLAS FIR PILIN G, NAVY SPECIFICATION 39P—14a CLASS 2

[F. O. B. Cars Producer's Loading-out Point or Dumped, Boomed, Rafted and Prepared for Towing in Towable Waters]

Diameters	8" Min. Butt including 8"–1' to 8"–6'		9" Min. Butt including 9"–1' to 9"–6'		10" Min.Butt including 10"–1' to 10"–6'		11" Min. Butt including 11"–1' to 11"–6'		12" Min. Butt including 12"–1' to 12"–6'		13" Min. Butt including 13"–1' to 13"–6'		14" Min. Butt including 14"–1' to 14"–6'		15" Min. Butt including 15"–1' to 15"–6'		16" Min. Butt including 16"–1' to 16"–6'		17" Min. Butt including 17"–1' to 17"–6'	
Lengths	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot
15' to 17' incl	19	$0.10	23	$0.12	29	$0.14	35	$0.16	41	$0.18	48	$0.21	-------	-------	-------	-------	-------	-------	-------	-------
18' to 22' incl	18	.10	22	.12	28	.14	33	.16	39	.18	46	.21	-------	-------	-------	-------	-------	-------	-------	-------
23' to 27' incl	18	.10	21	.12	26	.14	32	.16	38	.18	45	.21	-------	-------	-------	-------	-------	-------	-------	-------
28' to 32' incl	18	.10	20	.12	25	.14	30	.16	36	.18	43	.21	50	$0.23	-------	-------	-------	-------	-------	-------
33' to 37' incl	18	.11	20	.13	24	.15	29	.16	35	.18	41	.21	48	.23	-------	-------	-------	-------	-------	-------
38' to 42' incl	18	.11	20	.13	23	.15	28	.17	33	.19	40	.22	46	.24	-------	-------	-------	-------	-------	-------
43' to 47' incl	18	.11	20	.13	23	.15	26	.17	32	.19	38	.22	45	.24	52	$0.25	60	$0.26	68	$0.28
48' to 52' incl	18	.11	20	.13	23	.15	25	.17	31	.19	37	.22	43	.24	50	.25	58	.26	66	.28
53' to 57' incl	-------	-------	20	.14	23	.16	25	.17	29	.19	35	.22	42	.24	48	.25	55	.26	64	.28
58' to 62' incl	-------	-------	20	.14	23	.16	25	.17	28	.19	34	.22	40	.24	47	.25	54	.26	62	.28
63' to 67' incl	-------	-------	-------	-------	23	.17	25	.19	28	.21	33	.23	39	.25	45	.26	53	.27	61	.29
68' to 72' incl	-------	-------	-------	-------	23	.18	25	.20	28	.21	31	.23	37	.25	43	.26	51	.27	59	.29
73' to 77' incl	-------	-------	-------	-------	-------	-------	26	.21	28	.22	31	.24	36	.25	41	.26	49	.27	57	.29
78' to 82' incl	-------	-------	-------	-------	-------	-------	26	.22	28	.23	31	.24	34	.25	40	.26	48	.27	55	.29
83' to 87' incl	-------	-------	-------	-------	-------	-------	-------	-------	28	.24	31	.25	34	.26	39	.27	46	.28	53	.30
88' to 92' incl	-------	-------	-------	-------	-------	-------	-------	-------	28	.25	31	.26	34	.27	38	.29	44	.30	52	.31
93' to 97' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	31	.27	34	.28	38	.30	43	.31	50	.32
98' to 102' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	33	.28	36	.29	40	.31	42	.32	49	.33
103' to 107' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	36	.30	40	.32	42	.34	47	.35
108' to 112' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	38	.31	42	.33	44	.35	46	.36
113' to 117' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	44	.34	46	.36	48	.38
118' to 122' incl	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	46	.35	48	.37	50	.39

1. If a top diameter only is specified, or where the top diameter controls, the butt size shall be determined by adding 1 inch for each 10 feet or fraction thereof.

Specifications not covered

2. For all lengths butt or top specifications, and other extras not specifically priced, such as sniping and boring, price according to section 11.

Unpeeled piling

3. For unpeeled piling, deduct: $.025 per lin. ft.

Length specifications

Additions allowed by the following footnotes must be shown separately on the invoice.

In all specified length groups below, the lengths will be evenly distributed in consecutive lengths within the group.

4. For specified length groups of one size of 20' or more spread: No addition.

5. For specified length groups of one size of over 10' but less than 20' spread: add $.005 per lin. ft.

6. For specified length groups of one size of over 5' but less than 11' spread, for example, 48' to 53': add $.01 per lin. ft.

7. For specified length groups of one size of not over 5' spread, for example, 64'—65'—66'—67'—68': add $.02 per lin. ft.

8. For specified length groups of one size of not over 3' spread, for example, 79'—80'—81': add $0.025 per lin. ft.

9. For specified single lengths: add $.03 per lin. ft.

10. For random length orders where the purchaser specifies restricted loading the seller may add ⅔ of the proper specified length addition above.

Winter or bark stuck peeling

11. For cleaned peeled piling which is *delivered* during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $.02 per lin. ft.

12. For rough peeled piling which is *delivered* during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $.01 per lin. ft.

13. *Less than carload sales.* On orders to established concentration, distribution or treating plant yards for less than carload minimum weight as established by railroad tariffs and where the invoice value at maximum prices for the untreated piling or other round material does not exceed $175.00 on items 50 feet and shorter or $250.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value not including transportation. The transportation addition on "less than carload sales" must not exceed that permitted by section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the sale is made. The service charge may be made only on sales f. o. b. seller's yard, with transportation outbound for the buyer's account.

[Footnote 13 added by Am. 2, 8 F.R. 15906, effective 11–27–43]

[Tables 10; 10 A, 10 B, 10 C, 11, and 12 added by Am. 1, 8 F.R. 10560, effective 8–2–43]

SEC. 19. *Appendix D—Maximum prices for miscellaneous primary forest products.* All maximum prices set forth below are f. o. b. cars at the railroad loading-out point nearest the point of production in the normal direction of delivery to the point of destination.

TABLE NO. 13.—SPLIT CEDAR HOP-POLES
[F. O. B. CARS LOADING-OUT POINT]

	Estimated weight in pounds per pole	Maximum price each
6" min. face 20' long split hop-poles	140	$1.00

[Sec. 19 added by Am. 3, effective 5–13–44]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6543; Filed, May 8, 1944; 11:44 a. m.]

PART 1441—TANNING MATERIALS

[MPR 531]

IMPORTED VEGETABLE TANNING MATERIALS

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Part 1441—Chemical Tanning Materials, is amended to read Part 1441—Tanning Materials.

§ 1441.3 *Maximum prices for Imported Vegetable Tanning Materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 531 (Imported Vegetable Tanning Materials) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1441.3 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 531—IMPORTED VEGETABLE TANNING MATERIALS

CONTENTS

*Copies may be obtained from the Office of Price Administration.

Sec.

SECTION 1. *Definitions.* (a) When used in this regulation, the term:

(1) "Imported vegetable tanning materials" means the following:

(i) "Solid quebracho extract" made from the heartwood of the red quebracho tree and imported from South America in two grades:

(*a*) "Ordinary, basis 63 per cent tannin," hot water soluble extract.

(*b*) "Clarified, basis 64 per cent tannin," cold water soluble extract.

(ii) "Ground or powdered clarified quebracho extract, basis 70 per cent tannin," produced in the United States from solid quebracho extracts.

(iii) "Ground or powdered quebracho extract, no tannin basis" produced in the United States from solid quebracho extract and used in oil well drilling.

(iv) "Liquid quebracho extract, basis 35 per cent tannin," liquefied in the United States from solid quebracho extract.

(v) "Wattle bark," also called "mimosa bark," derived from the mimosa tree and imported from South and East Africa.

(*a*) "South African chopped prime" means extra heavy or thick well-dried mature wattle bark of good external appearance and fracture, graded and marked "SA/CP" by the government of South Africa.

(*b*) "South African chopped average" means well-dried mature wattle bark of average thickness, color and homogeneity, graded and marked "SA/CA" by the government of South Africa.

(*c*) "South African chopped merchantable" means well-dried wattle bark of good color, graded and marked "SA/CM" by the government of South Africa.

(vi) "Solid wattle extract," also called "mimosa extract," guaranteed 62 per cent tannin when imported from South Africa and 61 per cent tannin when imported from East Africa, manufactured from wattle bark in South or East Africa and imported into the United States.

(vii) "Ground or powdered wattle extract, basis 66 per cent tannin," produced in the United States from wattle bark or solid wattle extract.

(viii) "Liquid wattle extract, basis 35 per cent tannin," liquefied in the United States from wattle bark or solid wattle extract.

(ix) Any quebracho extract or wattle extract or wattle bark not defined above.

(2) "Basis ____ per cent tannin" means the percentage of tannin content of any imported vegetable tanning material upon which the maximum price per pound of each lot is calculated.

(3) "Guaranteed ____ per cent tannin" means the minimum percentage of tannin content of any imported vegetable tanning material in specific lots as guaranteed by the shipper.

(4) "Importer" means any person in the United States:

(i) Who purchases imported vegetable tanning materials directly from a foreign seller whose place of business is located outside the United States; or

(ii) Who acts as selling agent of such foreign seller; or

(iii) Who imports vegetable tanning materials of his own manufacture for sale in the United States.

(5) "Grinders and liquefiers" means persons who buy or receive imported vegetable tanning materials and convert same into ground, powdered or liquid extracts.

(6) "Distributor" means any person who buys or receives imported vegetable tanning materials from importers, grinders or liquefiers for the purpose of resale without altering the form of the material.

(7) "Original package" means the following for the various commodities covered by this regulation:

(i) Solid quebracho extract, bags of approximately 106 pounds.

(ii) Solid wattle extract, bags of approximately 112 pounds.

(iii) Ground or powdered quebracho extract, bags of 100 pounds.

(iv) Ground or powdered wattle extract, bags of 100 pounds.

(v) Wattle bark, compressed bales of approximately 200 pounds.

(vi) Liquid extract (quebracho or wattle), barrels of 500 to 550 pounds.

(8) "Carload" of either solid, ground or powdered extract (quebracho or wattle) means a car containing a minimum of 600 bags per car.

(9) "Tank car" of liquid extract (quebracho or wattle) means a tank car containing at least six thousand gallons.

(10) "Tank truck" of liquid extract (quebracho or wattle) means a tank truck containing at least 10,000 pounds.

(11) "United States" means the forty-eight states of the United States and the District of Columbia.

(12) "Total insurance" means both marine risk and war risk insurance. Marine risk insurance includes marine extension clause, and covers strikes, riots and civil commotions. War risk insurance includes extended transshipment coverage, but the premium shall not exceed War Shipping Administration premium at the time of shipment, or commercial underwriters' premium, whichever is lower.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 2. *Prohibition against purchases and sales of imported vegetable tanning materials at higher than maximum prices.* On and after May 13, 1944, regardless of any contract, agreement, lease, or other obligation:

(a) No person in the United States who deals directly with a foreign seller or with his selling agent, shall buy or receive any imported vegetable tanning material in the course of trade or business at higher prices than the maximum prices established under this regulation for sales by importers.

(b) No person shall sell, deliver, or transfer any imported vegetable tanning materials at higher prices than the maximum prices established under this regulation.

(c) No person shall buy or receive any such imported vegetable tanning materials in the course of trade or business at higher prices than the maximum prices established under this regulation.

(d) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 3. *Less than maximum prices.* Prices lower than the maximum prices prescribed herein may be charged and paid.

SEC. 4. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 5. *Relationship of this regulation to the General Maximum Price Regulation and the Maximum Import Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation and the Maximum Import Price Regulation, and their amendments, with respect to sales and deliveries of imported vegetable tanning materials for which maximum prices are established by this regulation.

SEC. 6. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 7. *Maximum prices for imported vegetable tanning materials.* The maximum prices established under this regulation for each seller of imported vegetable tanning materials shall be subject to the same discounts, credit terms, freight allowances, and all other deductions and trade practices as prevailed on his sales of such materials during the month of March 1942.

(a) *Maximum prices for quebracho extract and wattle extract and bark.* The maximum prices of commercial grades and types of quebracho extract and wattle extract and bark in original packages by importers, liquefiers and grinders are set out in Appendices A and B of this regulation. Such maximum prices are subject to the following adjustments:

(1) *Less than original packages.* For sales in lots totalling less than the quantity in an original package, the following may be added to the maximum prices for sales in the smallest quantity listed in Appendix B:

(i) 25 pounds or more, but less than an original package—3 cents per pound.

(ii) Less than 25 pounds—10 cents per pound.

(2) *Variations in basic tannin content.* The maximum prices designated in the schedules for commodities "basis _____ per cent tannin" shall be adjusted up or down in proportion to variations in actual tannin content from that base as determined in accordance with sampling and analysis methods approved by the American Leather Chemists' Association.

(3) *Variations in guaranteed tannin content.* The maximum prices designated in the schedules for commodities guaranteed to contain a given percentage of tannin, shall be adjusted downward in proportion to variations in actual tannin content as determined by sampling and analysis methods approved by the American Leather Chemists' Association. No additional charge shall be made for any percentage or fraction thereof of tannin content found in excess of the guaranteed minimum percentage.

(4) *Sales by importers of material landed off the Atlantic seaboard.* In the case of sales ex warehouse by importers of material landed at ports off the Atlantic seaboard and at which no warehouse is maintained, the seller may add to the maximum prices designated in Appendix A the actual freight charges (not in excess of applicable tariffs) from dock to warehouse. Such additional charge and the method of calculating same, shall be shown separately on the invoice and a copy thereof furnished the Office of Price Administration on request.

(5) *Sales by liquefiers and grinders of material received from abnormally distant ports.* In the event of sales of ground, powdered or liquefied extract produced from quebracho or wattle landed at a port from which such grinder or liquefier received less than 25 per cent of his shipments in the six months period immediately preceding April 1, 1944, he may add to the maximum prices established by Appendix B the amount by which the actual freight charges to his plant from such port exceeds the actual freight charges from the port supplying at least 75 percent of his supply during said period. The amount of such additional charge and the method of calculating same shall be shown separately on the invoice and a copy thereof furnished the Office of Price Administration on request.

(b) *Maximum prices for special sales of quebracho extract and wattle extract and bark.* Maximum prices for all sales by distributors and for sales by all sellers of grades or types of quebracho extract or wattle extract or bark, not listed or defined in section 1 of this regulation, and for which no maximum prices are specified in Appendices A or B (or shipped from points not designated therein), shall be the maximum prices authorized by the Office of Price Administration in response to an application therefor filed by the seller and in line with the level of maximum prices established by this regulation.

Applications for the establishment of such maximum prices shall be submitted by registered mail to the Chemicals and Drugs Price Branch, Office of Price Administration, Washington, D. C., prior to sale, and shall be accompanied by a description of the particular quebracho extract or wattle extract or bark and the nature of the transaction involved, the seller's maximum price under the General Maximum Price Regulation or the Maximum Import Price Regulation, the current selling price and the maximum price proposed. Sales may be made at such proposed price after the date of mailing such application subject, however, to approval by the Price Administrator. If, at the expiration of 20 days from the date of receipt thereof, the Office of Price Administration has not in writing disapproved or modified the proposed maximum price, such proposed price, shall be considered as authorized.

SEC. 8. *Records and reports.* (a) Every person making sales of imported vegetable tanning materials after May 12, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such imported vegetable tanning material purchased or sold.

(b) Such persons shall keep such other records and shall submit such other reports to the Office of Price Administration in addition to or in place of the records required in paragraph (a) of this section or the reports mentioned in section 7 hereof as the Office of Price Administration may from time to time require.

SEC. 9. *Evasion.* Price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to imported vegetable tan ing materials, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, discount, premium, or other privilege, or other trade understanding, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1,[1] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment to any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

[1] 8 F.R. 132040.

APPENDIX A.—MAXIMUM PRICES FOR SALES BY IMPORTERS OF QUEBRACHO EXTRACT AND WATTLE EXTRACT AND BARK

(For adjustments which may be made in these prices see section 7 of this regulation).

(a) *Solid quebracho extract.* Maximum prices for sales of solid quebracho extract are established as follows:

[Cents per pound, ex dock, U. S. port of arrival]

	Carload	*Less than carload*
Solid Ordinary, basis 63 per cent tannin	4.875	5.125
Solid Clarified, basis 64 per cent tannin	5.375	5.625

These maximum prices are based upon the gross landed weight at United States port of arrival and include bags with a tare allowance of 1¾ pounds per bag. They are based on an ocean freight rate of $12.00 and total insurance of $1.00 per ton of 2,240 pounds gross shipping weight, any increase or decrease for buyer's account. Duty is for buyer's account.

(1) *Deliveries from warehouses.*

[Cents per pound, f. o. b. seller's warehouse]

	Carload	*Less than carload*
Solid Ordinary, basis 63 per cent tannin	6.25	6.50
Solid Clarified, basis 64 per cent tannin	6.875	7.125

These maximum prices include duty and bags with a tare allowance of 1¾ pounds per bag.

(b) *Wattle bark.* Maximum prices for sales of wattle bark in compressed bales are established as follows:

	Per ton of 2,000 pounds, ex dock, U. S. port of arrival
South African chopped prime	$55.00
South African chopped average	52.50
South African chopped merchantable	50.00
East African chopped, all grades	50.00

These maximum prices are based upon gross landed weight at United States port of arrival and on an ocean freight rate of $11.70 and total insurance of $2.00 per ton of 2,240 pounds gross shipping weight, any increase or decrease for buyer's account.

(c) *Solid wattle extract.* Maximum prices for sales of Solid Wattle Extract are established as follows:

[Cents per pound, ex dock, U. S. port of arrival]

	Carload	*Less than carload*
South African, guaranteed 62 per cent tannin	5.35	5.60
East African, guaranteed 61 per cent tannin	5.225	5.475

These maximum prices are based upon gross landed weight at United States port of arrival, and include bags with a tare allowance of one pound per bag. They are based on an ocean freight rate of $20.00 and total insurance of $2.50 per ton of 2,240 pounds gross shipping weight, any increase or decrease for buyer's account. Duty is for buyer's account.

(1) *Deliveries from warehouses.*

[Cents per pound, f. o. b. seller's warehouse]

	Carload	*Less than Carload*
South African, guaranteed 62 per cent tannin	6.75	7.00
East African, guaranteed 61 per cent tannin	6.60	6.85

These maximum prices include duty and bags with a tare allowance of one pound per bag.

[2] 7 F.R. 3961; 8 F.R. 3315, 3638, 6173.

APPENDIX B—SALES BY GRINDERS AND LIQUEFIERS

(The following maximum prices are f. o. b. seller's plant or warehouse at the points indicated. For adjustments which may be made in these prices see section 7 of this regulation.)

(a) *Quebracho extracts.* (1) Ground or powdered clarified quebracho extract, basis 70 per cent tannin.

[Cents per pound, gross for net]

	Carload	Less than carload	Less than 20 bags
F. o. b. Staten Island, N. Y. and Newark, N. J	8.25	8.50	8.75
F. o. b. Peabody and Salem, Mass. and Chester, Pa	8.50	8.75	9.00
F. o. b. Baltimore, Md. and Chicago, Ill	8.75	9.00	9.25

These maximum prices include bags and duty.

(2) Ground or powdered quebracho extract, no tannin basis (for oil well drilling purposes).

[Cents per pound, gross for net]

	Carload	Less than carload	Less than 20 bags
F. o. b. Azusa, Calif. and Kansas City, Mo	9.00	9.25	9.50
F. o. b. Houston, Tex	8.50	8.75	9.00
F. o. b. New Orleans, La	8.00	8.25	8.50

These maximum prices include bags and duty.

(3) Liquid quebracho extract, basis 35 per cent tannin.

[Cents per pound net]

	Tank cars or tank trucks	Barrels		
		Minimum 50 bbls.	Minimum 10 bbls.	Less than 10 bbls.
F. o. b. Newark, N. J. and Staten Island, N. Y	3.625	4.125	4.375	4.625
F. o. b. Camden, N. J., Salem & Peabody, Mass., and Baltimore, Md	3.75	4.25	4.50	4.75
F. o. b. Chicago, Ill	3.875	4.375	4.625	4.875
F. o. b. Chester, Pa	4.50	5.00	5.25	5.50

These maximum prices include barrels if shipped in barrels.

(b) *Wattle extract.*—(1) Ground or powdered wattle extract, basis 66 per cent tannin.

[Cents per pound, gross for net]

	Carload	Less than carload	Less than 20 bags
F. o. b. Newark, N. J. and Staten Island, N. Y	8.75	9.00	9.25
F. o. b. Chester, Pa., Camden, N. J., Peabody and Salem, Mass	9.00	9.25	9.50

These maximum prices include bags and duty.

(2) Liquid wattle extract, basis 35 per cent tannin.

[Cents per pound net]

	Tank cars or tank trucks	Barrels		
		Minimum 50 bbls.	Minimum 10 bbls.	Less than 10 bbls.
F. o. b. Staten Island, N. Y. and Newark, N. J	4.50	5.00	5.25	5.50
F. o. b. Chester, Pa., Camden, N. J., Salem & Peabody, Mass	5.00	5.50	5.75	6.00

These maximum prices include barrels if shipped in barrels.

This regulation shall become effective May 13, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6544; Filed, May 8, 1944; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 131]

BALED SOUTHERN PINE WOOD EXCELSIOR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In section 6.35, paragraphs (c) and (d) are redesignated (d) and (e), respectively, and a new paragraph (c) is added to read as follows:

(c) *Maximum prices for sales by jobbers or distributors of baled southern pine wood excelsior manufactured in the States of Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Tennessee.* (1) The maximum price per net ton for sales by jobbers or distributors of baled southern pine wood excelsior produced in the States of Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Tennessee shall be the net price determined by applying to the seller's net invoice cost of baled southern pine wood excelsior, not to exceed the applicable maximum price, the average dollars and cents markup, weighted by volume of sales, over net invoice cost realized during March 1942 for all baled southern pine wood excelsior of the same class sold by the seller to purchasers of the same class during March 1942, or, if no such sales were made during March 1942, during the first month preceding March 1942 in which such sales were made.

(2) If a jobber or a distributor cannot compute a maximum price for baled southern pine wood excelsior in accordance with subparagraph (1) above, he shall apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for authorization to establish a maximum price pursuant to a pricing method proposed in writing by the jobber or distributor.

This amendment shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6545; Filed, May 8, 1944; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14B[1] to GMPR,[2] Amendment 2]

BREAD AND BAKERY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Supplementary Regulation 14B is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Weight increases.* (a) Except as otherwise provided in paragraph (b) of this section, whenever the weight of any product subject to this regulation is increased over its weight as produced in March 1942, such product shall be deemed a new product and the maximum price of every seller of such new product must be determined under § 1499.2 (b) or § 1499.3 of the General Maximum Price Regulation or under Order No. 375 under § 1499.3 (b) of the General Maximum Price Regulation.

(b) If a producer increases the weight of his loaf of bread or sales unit of rolls not more than 25 percent over the weight of his loaf of bread or sales unit of rolls, as produced in March 1942, he may elect to determine his maximum price therefor pursuant to this paragraph, in which case he must increase his maximum price therefor proportionately per ratio of weight, but so calculated as to result in an increase in price of one cent or a multiple thereof, and all other sellers of such increased loaf of bread or sales unit of rolls must increase their maximum prices by an amount in cents equal to the increase herein provided for the producer: *Provided,* That increased un-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16794; 9 F.R. 584.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4987, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

packaged rolls shall not be sold at the increased prices, herein provided, until the producer has filed a report with the District Office of the Office of Price Administration in the district in which such unpackaged rolls are produced, showing the weights and maximum prices of the rolls in question both as produced in March 1942, and when increased in size as herein provided.

2. Section 6 is amended to read as follows:

SEC. 6. *Orders of other governmental agencies.* No increase or decrease in the maximum price for the sale of any product subject to this regulation shall be made by reason of an order of another government agency unless such increase or decrease in maximum price is specifically required by some provision of this regulation or of some other regulation or order of the Office of Price Administration.

3. Section 7 (b) is hereby revoked.
4. Section 9 (a) (4) is hereby revoked.
5. Article V is added to read as follows:

ARTICLE V—GENERAL PROVISIONS

SEC. 10. *Adjustment of maximum prices*—(a) *Producer's maximum prices.* The Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] or on its own motion, adjust the maximum prices of a producer of any commodity subject to this regulation where

(1) The producer's maximum price is below the general price level prevailing for similar products, and

(2) The producer is or will be unable to maintain his production at his maximum price or prices, and

(3) The loss of his production would result in consumers having to pay higher prices for the most nearly similar substitute product available, and

(4) An increase in his maximum price or prices will enable him to continue production, and

(5) The Administrator is of the opinion that an increase in his maximum price or prices would, under all the circumstances, be in furtherance of the purposes of the Emergency Price Control Act, as amended.

The maximum price increase that may be granted under the provisions of this section shall not cause his price to exceed the general price level prevailing for similar products. Subject to this limitation, (i) an increase may be granted not to exceed the total cost of the product, or (ii) if the applicant's earnings from all operations before income and excess profits taxes are low in comparison with those of a "representative peace-time period", adjusted for subsequent changes in investment, and if in view of such over-all earnings a small margin of profit is reasonably necessary to permit production, an increase may be allowed estimated to yield such a profit margin.

A "representative peace-time period" means the period of the years 1936 to 1939, inclusive. When 1936 to 1939 does not represent a reasonably normal pre-war (December 7, 1941) period, some other period may be used but its use must be positively justified in the application.

(b) *Maximum prices of wholesalers and retailers.* If a product for which the producer's maximum price is increased pursuant to the provisions of paragraph (a) of this section is also sold by wholesalers or retailers or both but is not subject to the provisions of Maximum Price Regulations 421, 422 or 423 as to such sales the Office of Price Administration may increase the maximum prices for sales by wholesalers or retailers or both in an amount not to exceed the increase provided for the producer.

(c) *Filing of applications for adjustment.* All applications for adjustment submitted pursuant to this section shall be filed with the Office of Price Administration in Washington, D. C., except applications for adjustment of maximum prices for bread and rolls which shall be filed with the regional office of the Office of Price Administration for the region in which the bread or rolls are produced.

SEC. 11. *Notification of change in maximum prices.* With the first delivery of any commodity (except bread and rolls) subject to this regulation, after the maximum price for such commodity has been changed by any provision of this regulation, the producer shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (insert date of change in maximum price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the producer shall include in each case or carton containing the item the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor, other than a wholesaler and retailer, of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed from $____ to $____ under the provisions of Supplementary Regulation 14B. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 11 of Supplementary Regulation 14B.

SEC. 12. *Adjustment of fraction of a cent.* If the figure resulting from the calculation of any maximum price pursuant to this regulation contains a fraction of one-half cent or more it shall be adjusted to the next higher cent and if it contains a fraction of less than one-half cent to the next lower cent.

This amendment shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6546; Filed, May 8, 1944; 11:44 a. m.]

[3] 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

Chapter XIII—Petroleum Administration for War

[Petroleum Dir. 59, as Amended Dec. 1, 1943, Amdt. 2 [1]

PART 1510—SUPPLY

The fulfillment of the requirements for the defense of the United States has created a shortage of facilities for the transportation of petroleum and shortages in the supply of petroleum and petroleum products, and the following operating directive is deemed necessary for the prosecution of the war.

Sec.
1510.27 Definitions.
1510.28 Supply and demand programs and statements.
1510.29 Determination of zone sales positions.
1510.30 District One supply program.
1510.31 Distribution of available supplies.
1510.32 Maximum price formula.
1510.33 Inventory and sales adjustments.
1510.34 General provisions.

AUTHORITY: § 1510.27 to 1510.34, inclusive, issued under E.O. 9276, 7 F.R. 10091, E.O. 9319, 8 F.R. 3687.

§ 1510.27 *Definitions.* (a) "Principal petroleum products" means (1) automotive gasoline (other than war products, as specified by the Petroleum Administration for War), (2) kerosene (including range oil, stove oil, and No. 1 distillate fuel oil), (3) distillate fuel oil (other than kerosene as defined, but including light gas oil and light and heavy Diesel fuel oil), and (4) residual fuel oil and crude oil used for purposes other than refining, except that any petroleum product when used as a fuel in the operation of refineries shall not be included as a principal petroleum product. In order to provide for a more equitable distribution of any class of principal petroleum products as herein defined or to conserve, for essential uses, supplies of a product in which a shortage is threatened, this definition may be changed from time to

[1] See Certificate 158, Amdt. 2, War Production Board, *infra*.

time by subdividing any classification herein named into two or more classifications, such change to be effected by a letter signed by the Director in Charge, District One, Petroleum Administration for War, addressed to the affected committees and to each original supplier, setting forth the new classifications.

(b) "Original supplier" means any person designated as such for the zone in question on Exhibit A attached hereto: *Provided,* That if such a person is engaged in business, part of which is included in the definition of an intermediate supplier under § 1510.27 (c) (2), then he shall be considered as an original supplier only as to that portion of his business not included within such definition and as an intermediate supplier for the balance of his business.

(c) "Intermediate supplier" means any person who in 1941 (1) regularly imported into District One from any point outside District One any principal petroleum product or products for sale or resale in District One and who does not qualify as an original supplier under paragraph (b) hereof, or (2) regularly received principal petroleum products in District One from an original supplier in other intermediate supplier for redelivery to others: *Provided,* That the term shall not include a service station, peddler, or other retail outlet, or a transporter of principal petroleum products to the extent that he is engaged merely in such transportation for others.

(d) "Unassigned inventory" means that portion of the inventory of any principal petroleum product in a supply terminal which was not taken into account in the inventory adjustment made under § 1510.33 (a) and which has not been distributed by the committee pursuant to § 1510.31 (a) or (c) hereof.

(e) "Person" means any individual, partnership, association or business trust, corporation, Governmental corporation or agency, or any organized group of persons whether incorporated or not.

(f) "Committee" means the Distribution and Marketing Committee of District One, and "Supply and Transportation Committee" means the Supply and Transportation Committee for District One.

(g) "Zone" means any one of the zones shown on Exhibit B hereof.

(h) "Supply terminal area" means the area served by a supply terminal, as shown on the schedule prepared under § 1510.30 (b).

(i) "Supply area" means the area for which no supply terminal is designated, as shown on the schedule prepared under § 1510.30 (b).

(j) "Storage facility" means one or more tanks or other facilities, used for the storage of principal petroleum products, which are normally operated as a single unit.

§ 1510.28. *Supply and demand programs and statements*—(a) *Supply and demand program for Districts One, Two and Three.* Petroleum Administration for War shall prepare monthly and forward to the general committees of districts One, Two and Three statements showing the petroleum supply and demand programs for such districts for the period of three months succeeding the month in which issued, or for such other period as may be determined.

(b) *Source of supply.* The appropriate committees or subcommittees for Districts Two and Three shall prepare at designated times and submit to the Petroleum Administration for War such statements as may be required under applicable petroleum directives, showing the sources and amount of principal petroleum products available for shipment into District One and such other information as may be required.

§ 1510.29 *Determination of zone sales positions.* The committee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each zone the 1941 sales position of each original supplier for each class of principal petroleum products and expressed as a percentage of the total sales of each of such products made within such zone by all original suppliers. Principal petroleum products consumed by an original supplier shall be considered as a sale. In computing the sales position, the committee shall deduct from the total 1941 sales of each original supplier the following purchases or sales made by such original supplier in 1941, within District One: (1) purchases in its capacity as an intermediate supplier; (2) sales to another original supplier which do not constitute purchases as an intermediate supplier on the part of the buyer; (3) sales of product exported from District One; (4) sales to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Foreign Economic Administration, and (5) sales made pursuant to contracts entered into with the Treasury Procurement Office. Adjustments shall likewise be made in the case of each principal petroleum product for any complete or substantial voluntary discontinuance of any class of business in any zone since January 1, 1942. If the Petroleum Administration for War notifies the committee that within any supply terminal area or supply area the Navy will, during the next succeeding calendar month, supply 20% or more of the amount of the distillate and residual fuel required to bunker ocean going vessels, then sales of like fuel oil for such use made in 1941 by each original supplier within the affected area shall be deducted from the 1941 sales of such original supplier to the following extent: (1) if the Navy is to supply 80% or more of the amount required, there shall be excluded all sales made for this purpose within the affected area: (2) if the Navy is to supply less than 80% but more than 20% of the amount required, there shall be excluded the same percentage of the sales made for this purpose within the affected area as the percentage of the principal petroleum products involved which are to be supplied by the Navy, provided no change shall thereafter be made in the percentage of sales to be deducted unless the amount to be supplied by the Navy changes by at least 10%; (3) if the Navy is to supply less than 20% of the amount required, then no deduction shall be made.

§ 1510.30 *District One supply program*—(a) *Crude petroleum and principal petroleum products to be imported or manufactured in District One.* The Supply and Transportation Committee of District One shall obtain from the Refining Committee for District One a monthly statement showing: (1) the crude petroleum and other products to be used at each District One refinery in manufacturing and (2) the net amount of principal petroleum products expected to be manufactured at each refinery. The Supply and Transportation Committee of District One shall thereupon prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, containing this information and also showing the amount of principal petroleum products expected to be imported into each zone.

(b) *Terminal and storage facilities.* The Supply and Transportation Committee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each zone the terminals and storage facilities (hereinafter referred to as supply terminals) and a description of the supply terminal areas and the supply areas. The plants included in each supply terminal shall be those which are so equipped and so located as will provide for a receipt within the area of the maximum amount of principal petroleum products and, to the extent consistent therewith, which will permit the efficient use of transportation equipment in distributing products therefrom to customers or to other bulk plants. The schedule shall show the location of the supply terminals and supply areas, the area to be served thereby, the original suppliers operating therein, the plants included in each supply terminal, name of railroad serving such terminal, its storage capacity for each principal petroleum product, its daily loading and unloading capacity for each method of transportation, and the thru-put rates (including in-transit storage and shipping losses) for receiving, handling and delivering principal petroleum products at each supply terminal, provided the amount covering losses shall be shown separately from the other items making up the thru-put rates. Upon issuance of the schedule, pursuant to § 1510.34 (c), the supply terminals specified therein shall, unless otherwise directed by the Petroleum Administration for War, be used for all principal petroleum products imported by original suppliers into the area served thereby, and the rates charged for any principal petroleum product put through each supply terminal shall not exceed the applicable rate specified in such schedule. The owner of principal petroleum products and the operator of the plant within a supply terminal, if he be other than the owner of the products, shall account for unassigned inventory and no part of such inventory shall be removed from the

plant or disposed of in any way except pursuant to § 1510.31 (a) and (c), or by authority of the Petroleum Administration for War. Refineries shall be deemed supply terminals with respect to the principal petroleum products they produce.

(c) *Shipment of crude and principal petroleum products into and within District One.* The Supply and Transportation Committee after consulting with the Refining Committee for District One, shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, assigning to original suppliers the duty of arranging for the shipment of crude petroleum to be imported for purposes other than refining, and principal petroleum products from origins outside District One to destinations within District One and arranging for infra-district shipments from and to designated points. Principal petroleum products required for infra-district shipment may be made available by the Committee, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, to the original supplier who has been assigned the duty of making such shipment by assignment issue by the committee and such principal petroleum products shall be transferred, unless the parties otherwise agree, by sale and purchase at a price mutually agreed upon by the parties but not to exceed the price as determined pursuant to § 1510.32, and the amount of such principal petroleum products shall, upon such assignment, be deducted from unassigned inventory at the point of origin and added to unassigned inventory in the area at point of destination. Insofar as practicable the suggested schedule shall be arranged to provide (1) each supply terminal area and supply area with the principal petroleum products required to meet the expected demand after providing for inventory changes deemed advantageous to the overall supply position; and (2) for the efficient use of facilities and for shipment into District One of the maximum amount of crude petroleum and principal petroleum products. Subject to the foregoing, the duty of importing principal petroleum products shall be assigned as nearly as practicable among original suppliers, in proportion to their zone sales position. Principal petroleum products manufactured at a District One refinery shall be deemed to have been imported by the refiner. Upon issuance of such schedule pursuant to § 1510.34 (c), each original supplier shall make every effort to increase the volume of products available for distribution within District One and shall perform the duties assigned to him, except that any original supplier may arrange to have another original supplier, willing to assume such responsibility, perform such duties, and notice of any such arrangement or any change or modification thereof shall be given immediately to the Supply and Transportation Committee. When in the opinion of the committee and the original suppliers affected, the transfer of the ownership of a principal petroleum product at a supply terminal to another original supplier will facilitate the administration of this directive, the product shall be transferred without losing its character as unassigned inventory. Any such transfer, unless the parties otherwise agree, shall be by sale and purchase at a price mutually agreed upon by them but not to exceed the price as determined pursuant to § 1510.32. The Petroleum Administration for War shall, from time to time, acting through appropriate governmental agencies, arrange for necessary adjustments to be made in the use of transportation facilities when required to facilitate the carrying out of assignments made hereunder. In making such adjustments, consideration shall first be given to the carrying capacity available to each original supplier by tanker, pipe line, barge, or any form of transportation other than tank car, and insofar as possible, any original supplier's deficit of carrying capacity shall be made up by the allotment of tank cars. Wherever necessary, the Petroleum Administration for War may arrange for the specific use of any transportation facility without regard to the provisions of any schedule issued in connection herewith. The Supply and Transportation Committee shall review the use of all supply terminals and transportation available for shipment of products into or within District One to determine whether the maximum efficient use (including the movement of loaded tank cars, return of empty tank cars in trainload lots, and the distribution of products from the supply terminals) is being attained, and in that connection such committee shall recommend to the persons, committees or subcommittees affected and the Petroleum Administration for War that such action be taken as will, in its opinion, improve the efficient use of transportation and increase the volume of principal petroleum products available for distribution in District One.

§ 1510.31 *Distribution of available supplies*—(a) *Supply of principal petroleum products for specified government uses.* Petroleum Administration for War shall notify the Supply and Transportation Committee for District One as far in advance as is practicable of the quantities of principal petroleum products required for sale and delivery under contracts which, subsequent to April 24, 1943, have been or will be entered into with the Treasury Procurement Office, and to the extent not contracted for by the Treasury Procurement Office, for sale and delivery to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Foreign Economic Administration. Whenever possible the notice shall specify the time and the supply terminal areas and supply areas where such products are to be delivered. Principal petroleum products needed to make deliveries under the above contracts or to the above government agencies will be assigned by the Committee from unassigned inventory to original suppliers who have assumed or whose customers have assumed the obligation to make such deliveries. Distribution shall be effected by the committee issuing assignments directing the owner of unassigned inventory to transfer a designated amount of such inventory to the original supplier in whose favor the assignment is drawn, and unless the parties otherwise agree, such transfer shall be made by sale and purchase at a price mutually agreed upon by the parties, but not to exceed the price as determined pursuant to § 1510.32. Unless the operator of the plant in which the unassigned inventory is stored and the assignee make other arrangements, the assignee shall remove such product within ten days or within such other period as the committee designates. It shall be the duty of each original supplier on behalf of intermediate suppliers buying from him to obtain promptly an assignment of principal petroleum products and make such products available to such intermediate suppliers in the amount necessary to meet the intermediate suppliers' commitments for delivery under such contracts or to such government agencies. Each original supplier who has or whose customers have contracts with any such government agency shall promptly notify the committee thereof and of the amount of each principal petroleum product which will be required for delivery thereunder and the time and place of delivery. Monthly statements shall be submitted by each original supplier to the committee setting forth the quantities of principal petroleum products actually delivered under such contracts or to such agencies during the preceding month.

(b) *Distribution of principal petroleum products among supply terminals and supply areas.* The committee shall prepare a monthly statement showing each original supplier's proportionate part of each principal petroleum product expected to be available for distribution within each zone as shown on the schedule prepared pursuant to § 1510.30 (a). Each original supplier's proportionate part shall be computed by applying his zone sales position percentage to the total amount of each principal petroleum product expected to be available within each zone, after deduction of the amount of principal petroleum products which it is estimated will be required for delivery under § 1510.31 (a). Upon receipt of such statement each original supplier shall promptly notify the committee of the portion of its proportionate part of principal petroleum products which will be required at each supply terminal or supply area, the distribution among the supply terminals and supply areas to be made in such a manner as will permit such supplier to meet as nearly as possible its obligations. The committee shall thereupon issue to all original suppliers a statement showing, for each supply terminal area and supply area, the percentage distribution to be made among the original suppliers of the principal petroleum products available at each such terminal or area.

(c) *Distribution of unassigned inventory.* After meeting the requirements specified in § 1510.31 (a), all or any part of the principal petroleum products remaining in unassigned inventory shall be distributed by the committee among original suppliers, in accordance with

the percentage specified in § 1510.31 (b), subject to adjustments being made from time to time so as to provide each original supplier with an amount equal to his zone sales position percentage of the total principal petroleum products available for distribution within the zone after making such changes as are required under § 1510.33. Except for deliveries of principal petroleum products made by tank truck directly from a bulk depot outside of District One to consumers or retailers who were receiving deliveries in this manner in the calendar year 1942, receipt of any principal petroleum products by an original supplier or for its account, not accounted for in unassigned inventory, shall be considered as receipts by such original supplier pursuant to an assignment from unassigned inventory. Distribution of unassigned inventory shall be made to transfer a designated amount of such inventory to the original supplier in whose favor the assignment is drawn, and unless the parties otherwise agree, such transfer shall be made by sale and purchase at a price mutually agreed upon by the parties, but not to exceed the price as determined pursuant to § 1510.32. Such principal petroleum products shall thereupon become the property of the assignee and shall not be subject to further assignment hereunder, except as provided in § 1510.31 (d). Unless the operator of the plant in which the unassigned inventory is stored and the assignee make other arrangements, the assignee shall remove such product within ten days of the date of assignment, or within such other period as the committee designates. If, within such period, an original supplier fails, except for causes beyond its control, to accept title to and remove or make other arrangements for such product as may be assigned to it, then such original supplier shall forfeit its right to such quantity or to any future assignment thereof, and such quantity shall be deemed as having been received by such original supplier under an assignment, but the amount thereof shall be returned to unassigned inventory. The committee shall obtain from each original supplier a report, at such times and in such forms as it may prescribe, with the approval of the Petroleum Administration for War, of all principal petroleum products received from outside District One by such original supplier or for its account (including principal petroleum products manufactured in District One), excluding only those deliveries made by tank truck directly from a bulk depot outside of District One to consumers or retailers who were receiving deliveries in this manner in the calendar year 1942.

(d) *Redistribution of supplies.* If, within any zone, the amount of any principal petroleum product available to any original supplier is insufficient to meet the rationed demand of persons currently buying from it, then such original supplier may apply to the committee for a reassignment to it of additional supplies of such principal petroleum product. The application shall be in writing and shall contain the following information: (1) the estimated amount of additional product needed; (2) the inventory of such principal petroleum product in storage facilities within the zone, having a capacity of 5,000 barrels or more, which are owned or controlled by the applicant or by intermediate suppliers receiving all or a portion of their supplies from the applicant; (3) a statement explaining the shortage; and (4) such other information as may from time to time be requested. If the committee, after taking into account supplies available for distribution within the zone and the relative requirements of all other original suppliers therein, determines that the applicant should be awarded additional supplies to enable it to make deliveries to its customers in the same proportion as deliveries are generally being made in the area to like persons, then, the committee shall assign, with the approval of the Petroleum Administration for War, to the applicant the amount of such product or products required by the applicant as is determined is needed for such purpose and is fair and equitable under the circumstances. Reassignment shall be made from the inventory of principal petroleum products belonging to other original suppliers or from principal petroleum products thereafter assigned to other original suppliers under § 1510.31 (c), which supplier or suppliers appear, after taking into account expected receipts, their existing inventory, the inventory of intermediate suppliers supplied by them and such other factors as may be pertinent, to have a greater proportion of such principal petroleum products than will be required to meet the rationed demand of their customers in the same proportionate amount as deliveries are generally being made in the area to like persons. Redistribution shall be effected by the committee directing the owner or owners of the product for which a reassignment is issued to transfer a designated amount of such product to the original supplier in whose favor the reassignment is drawn, and such original supplier shall thereupon immediately remove such product or make other arrangements with respect thereto. The parties to any such reassignment shall endeavor to agree upon a price at which such reassignment is to be made. In the event such parties are unable to agree upon such price, it shall be determined by the Director in Charge, Petroleum Administration for War, District One, or by such person or persons as such Director may designate. In determining such price, such Director, or the person selected by him, shall be guided by the principle that the price is to be the average amount at which the product is sold to consumers thereof, less an appropriate amount for cost of marketing and distribution incurred by the purchasing original supplier and subsequent owners other than the ultimate consumer. The price determined by such Director or by the person designated by him shall not in any event be less than the selling original supplier's maximum price, permitted to be charged by the Office of Price Administration, for the product reassigned at the place of delivery, for the type of delivery employed. If the price for such reassignment determined as hereinabove provided is in excess of the price permitted to be charged by the Office of Price Administration, then the maximum price permitted to be charged by such Office shall be the price charged for reassignments. The delivery shall be made by the method specified by the buyer, if physically possible, and if the means selected constitutes an efficient use of the available transportation facilities. Any dispute over the method of delivery shall be referred to the Petroleum Administration for War for such action as may be directed.

(e) *Comparative statement showing supply position.* The Committee shall issue to all original suppliers a monthly statement showing assignments and reassignments made under § 1510.31 (a), (c), and (d), and the zone percentage supply position of each original supplier as compared to its zone sales position.

§ 1510.32 *Maximum price formula.* The terms of any purchase and sale made pursuant to §§ 1510.30 (c), 1510.31 (a) or (c), or 1510.33 (a) shall be negotiated between the parties thereto: *Provided*:

(a) *Sales made in Zones One, Two, Three, Four, or Five.* If delivery under the sale is made in Zones One, Two, Three, Four, or Five, then no price agreed upon shall exceed the applicable maximum price established under any maximum price regulation, as amended or supplemented, or other order of the Price Administrator, or the sum of the following items, whichever is lower:

(1) The value of the product at the normal origin as provided in Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, issued by the Defense Supplies Corporation.

(2) Except as provided in (3) below, the cost of transporting the product from the normal origin to the specific point and facility at which the seller delivers the same to the buyer, such cost to be by the facilities which would have been used by the seller under the Normal Method of Transportation as defined and determined under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or if the seller has no such normal method of transportation, there shall be used in lieu of such normal method the transportation method which would most probably be used by the seller, assuming that in the absence of a tanker shortage the seller would transport the products from the normal origin via tanker or tanker in combination with other transportation means through an eastern seaboard terminal to the specific point and facility at which the seller delivers to the buyer: *Provided*, That, if the normal method of transportation which would be used in computing a claim under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, terminates before reaching the point of delivery, then a charge for transportation from such point of termination to the specific point and facility at which delivery is made (such charge to be equal to the applicable current rate generally prevailing for such transportation, or in the absence of such a rate, then the actual cost of the movement) shall be added

to the cost of the normal method of transportation to the extent that it is not recoverable by the seller under such Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised. In determining the cost of the normal method of transportation (or the most probable tanker method used in lieu of the normal method of transportation), the normal cost of in-transit handling incurred under the normal method of transportation shall be computed at the rate of 4¢ per barrel at each place at which in-transit handling occurs by the normal method of transportation, except that no in-transit handling charge shall be included with respect to handling at any District One refinery of product manufactured at such refinery, unless such charge is recoverable under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or unless the product delivered from such refinery is transported directly to a point other than a tanker terminal of the receiving original supplier.

(3) If the product sold has been imported from an actual origin in District Three and the cost of transporting the product from the actual origin to the point of delivery by the facilities used (including the substitute cost of in-transit handling) is less than the total sum determined under the preceding subparagraph (2), such actual cost shall be used in lieu of the sum determined under such paragraph (the actual origin and the cost of transportation and in-transit handling being determined in accordance with Petroleum Compensatory Adjustments Regulation No. 1, as amended, or revised).

(4) Reasonable storage and handling charges (exclusive of product losses) actually incurred by the seller at the point from which the product is delivered to the buyer for which no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised: *Provided, however,* That such charges shall not exceed and applicable thru-put rates which may be established and approved pursuant to § 1510.30 (b), less the amount shown on the schedule for product losses included in making up the thru-put rates, or, if there is no such applicable rate at a particular point, the sum of 10½¢ per barrel; *And provided further,* That no handling charge shall be included with respect to handling at any District One refinery of product manufactured at such refinery, unless such charge is recoverable under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or unless the product delivered from such refinery is transported directly to a point other than a tanker terminal of the receiving original supplier.

(5) The amount of revenue resulting from any increase in the maximum price of the product sold which must be accounted for and paid by the seller under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or under the plan for the equitable sharing of revenues and extra transportation expenses, as amended, approved under Recommendation No. 12.

(6) Any and all Governmental taxes and fees which the seller is required to pay with respect to the sale of the product sold or the transportation either of such product or of the crude petroleum from which such product is manufactured, for which taxes no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised. The committee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administrator for War designated for the purpose, establishing a reasonable charge for each supply terminal area and supply area covering transportation taxes for shipments into such areas. Upon issuance of the schedule pursuant to § 1510.34 (c), the charges specified therein shall be used in lieu of any other charge or sum for taxes imposed with respect to transportation, regardless of point of origin or method of shipment.

7. The cost of any losses of product including, but not by way of limitation, losses due to shrinkage or evaporation (including pipe line deductions) actually incurred by the seller for which no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised: *Provided, however,* That charges for such losses shall not exceed any applicable rates shown on the schedule prepared pursuant to § 1510.30 (b).

If the parties to any purchase and sale cannot agree upon a price pursuant to this subparagraph (a), the dispute shall be referred to the Petroleum Administration for War for such action as may be directed.

(b) *Sales made in Zone Six.* If delivery be made in Zone Six, the price agreed upon by the parties shall allow for a reasonable margin below the prices generally prevailing for sales to other classes of resellers and shall not exceed the applicable maximum price established under any maximum price regulation or other order of the Price Administrator. If the parties cannot agree upon a fair and reasonable price hereunder, the dispute shall be referred to the Petroleum Administrator for War for such action as may be directed.

(c) *Sales made pursuant to this section shall not be deemed to be discriminatory.* Sales between original suppliers made at or below the maximum price formula set forth in § 1510.32 (a) or determined in accordance with §§ 1510.31 (d) or 1510.32 (b), and which are made pursuant to §§ 1510.30 (c), 1510.31 (a), (c), or (d) or 1510.33 (a) shall not be deemed to effect any discrimination against any buyer (including any original supplier) to whom any other sale is made at any higher or different price.

§ 1510.33 *Inventory and sales adjustments*—(a) *Inventory adjustments.* The committee shall determine for each principal petroleum product in each zone each original supplier's share of the net inventory as of November 30, 1943, by multiplying the total net inventory for such zone by each original supplier's zone sales position percentage for the product for which the determination is being made. In any case where an original supplier's share of the net inventory is greater or less than his actual net inventory as of such date, the actual net inventory shall be adjusted, either by assignments of actual net inventories or by adjustments in the proportionate part of such principal petroleum product which such original supplier is or will be entitled to receive under § 1510.31 (c), or by a combination of both. If the product be transferred by assignment then, unless the parties otherwise agree, such product shall be transferred by sale and purchase at a price mutually agreed upon by the parties but not to exceed the price as determined pursuant to § 1510.32. The committee in collaboration with a staff representative of Petroleum Administration for War, designated for the purpose may, prior to determining the final adjustments to be made in net inventory, determine preliminary adjustments, and the committee may make assignments to carry such preliminary adjustments into effect subject to such limitations as may be imposed by the Petroleum Administration for War to prevent any exceptional and unreasonable hardship. The net inventory for each zone shall be determined as follows: The committee shall obtain from each original supplier a report showing for each zone in District One, as of November 30, 1943, or as of the last day of the month in which this revised directive becomes effective, whichever time first occurs, (1) the total physical inventory of each principal petroleum product within each zone owned or controlled by such original supplier in all storage facilities having a gross storage capacity for principal petroleum products of 5,000 barrels or over; (2) the amounts of such inventories which are unavailable for distribution by reason of being tank bottoms, pipe line fills or are otherwise unusable; (3) the amounts of such inventories specifically set aside for delivery exclusively to the Army, the Navy, or the Foreign Economic Administration; and (4) a statement showing the amounts of each principal petroleum product then due to or from such original supplier in each zone as a result of loans and exchanges made with other original suppliers, and the names of the original suppliers from which or to which each of such amounts is due. Any portion of that inventory reported under (2) or (3) hereof, which subsequently becomes available for a use other than that for which it is earmarked, shall be promptly reported to the committee by the owner thereof, and shall be transferred to unassigned inventory. Upon receipt of such reports, the committee shall determine for each principal petroleum product in each zone the actual net inventory of each original supplier by deducting from such original supplier's total physical inventory, as reported under (1) hereof, the amount of unavailable inventory, as reported under (2) hereof, and the amount of inventory set aside for the Army, the Navy, or the Foreign Economic Administration, as reported under (3) hereof, and by adding the net amount due to, or by deducting the net amount due from such original

supplier as reported under (4) hereof. The total net inventory in each zone shall be deemed to be the sum of the net inventories in the zone of all original suppliers as determined hereunder.

(b) *Sales adjustments.* (1) The committee shall obtain from each original supplier a report for the period which shall commence October 1, 1942, and end November 30, 1943; which report shall show by calendar month for each zone, and for each principal petroleum product: (i) total sales other than of products exported from District One (principal petroleum products consumed other than as a fuel in the operation of a refinery shall be considered as a sale); (ii) purchases made as an intermediate supplier; (iii) sales made to another original supplier which were not made as intermediate sales; (iv) sales made to Federal Governmental departments or agencies for which products were made available under Amendment No. 2 to Petroleum Directive No. 59, as amended, dated April 24, 1943, or under § 1510.31 (a) hereof; (v) sales made to bunker ocean going vessels when such fuel oil was furnished by the Navy; and (vi) such adjustments as, in the opinion of the original suppliers, should be made to allow for directives or instructions issued by the Petroleum Administration for War, which provide for increasing the amount of Principal Petroleum Products such supplier is entitled to receive under Petroleum Directive No. 59, or for action taken pursuant to the appeal section of Petroleum Directive No. 59.

(2) Upon receipt of the above reports, the committee shall prepare and submit to the Petroleum Administration for War a statement summarizing, for each original supplier, the adjustments which the supplier claims should be made as shown in (vi) of the above report, together with the comments and recommendations of the committee with respect thereto. To the extent that the directives or instructions issued or action taken require a modification of the amount of principal petroleum products to which an original supplier is entitled under Petroleum Directive No. 59, the Petroleum Administration for War shall direct the Committee as to what adjustments are to be made. Directives or instructions issued by the Petroleum Administration for War to provide for preferential deliveries under Petroleum Administrative Order No. 1 shall not be taken into account for purposes of this adjustment. The committee shall thereupon compute the total net adjusted sales made within each zone by each original supplier in his capacity as an original supplier, by deducting from its total domestic sales shown in (i) the amount of purchases made as an intermediate supplier as shown in (ii), sales to other original suppliers as shown in (iii), sales to the Federal Government as shown in (iv), sales made to bunker ocean going vessels as shown in (v), and adjustments as directed by the Petroleum Administration for War. The adjusted total principal petroleum products sold in each zone shall be deemed to be the sum of the net adjusted sales made by all original suppliers therein after taking into account any other adjustments that may be required by the Petroleum Administration for War.

(3) The committee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each principal petroleum product in each zone the amount by which the net adjusted sales of each original supplier made during the above adjustment period exceeded or was less than its proportionate part of the adjusted total amount of such product sold in the zone by all original suppliers during the same period. Each original supplier's proportionate part shall be ascertained by multiplying the adjusted total volume of each principal petroleum product sold by all original suppliers in the zone, by such original supplier's applicable zone sales position percentage which, for the purpose of this calculation, shall be determined as provided in § 1510.29, except that deductions for sales made to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, the Foreign Economic Administration, and pursuant to contracts entered into with the Treasury Procurement Office, shall include only sales made in the months of May, June, July, August, and September, 1941, and, in any case where a deduction is to be made on account of bunker fuel oil furnished by the Navy, the amount of the deduction shall be limited to sales made during the month in 1941 which corresponds to the month in 1942 or 1943 for which the Navy was supplying such fuel oil.

(4) Upon approval and issuance of the schedule by the Petroleum Administration for War, the original supplier within each zone shall confer with each other and endeavor to adjust their over and under sales by any means acceptable to both parties, including a financial adjustment. Upon the first day of the second month following the month in which such schedule is issued each original supplier shall notify the committee what adjustments, if any, have been made with other original suppliers. The committee shall thereupon deduct from each over-selling supplier's proportionate part of principal petroleum products which it is entitled to receive under § 1510.31 (c) the amount of over-sales for which a voluntary adjustment could not be made, and adding to each underselling original supplier's proportionate part of principal petroleum products the amount of under-sales for which a voluntary adjustment could not be made: *Provided, however,* That the entire adjustment applicable to any original supplier need not be made in any one month if, in the opinion of the Petroleum Administration for War, it would result in a serious disruption of the supply program, or of the original supplier's current supply position.

§ 1510.34 *General provisions*—(a) *Minimum specifications.* Petroleum Administration for War, may, from time to time, establish minimum specifications for one or more of the several petroleum products included within the definition of Principal Petroleum Products. Petroleum products imported into or produced in District One shall meet these specifications if any be established, and any person in District One shall accept products conforming to such minimum specifications for all deliveries required under this directive, except that, if there be any variation in the quality of products at any supply terminal, each original supplier shall insofar as practicable be given an equal opportunity to obtain a proportionate part of the products of like quality.

(b) *Schedules, programs, statements, and communications.* The schedules, programs, and statements prepared pursuant to this directive as amended, shall be submitted at such times and for such periods and shall be in such form and include such information in addition to that specified as Petroleum Administration for War may determine. Copies of all the issued schedules, programs, and statements prepared by committees or subcommittees shall be forwarded to the appropriate committees and subcommittees and to all original suppliers. All communications or other matters pertaining to this directive which are for the attention of the Petroleum Administration for War, and all schedules called for herein, shall, unless otherwise directed, be addressed to the Director in Charge, District One, Petroleum Administration for War, 122 East 42d Street, New York 17, New York, Ref: P. D. 59. All communications relating to this directive which are for the attention of the committee or to a functional committee shall, unless otherwise directed, be addressed to the appropriate committee or subcommittee, 122 East 42d Street, New York 17, New York.

(c) *Effectuation of schedules.* No schedule provided for hereunder shall become effective until it has been approved by the Chief Counsel, or District Counsel designated by him, Petroleum Administration for War, and issued by the Petroleum Administrator for War, or the Deputy Administrator, or person designated by him. Upon such approval and issuance of any such schedule, copies thereof shall be forwarded to the appropriate persons, committees, and subcommittees, and all persons, committees, and subcommittees affected thereby shall carry it into effect according to its terms, conditions, and intent. Should any person refuse to comply with any issued schedule, this fact shall be immediately reported by the appropriate committee to the Petroleum Administration for War.

(d) *Verification and records.* All reports and information submitted hereunder by original suppliers shall be subject to verification, and the Petroleum Administration for War may from time to time require any original supplier to submit an opinion of a certified public accountant as to the accuracy of any report or information submitted hereunder and whether such report or information conforms to the requirements established therefor. The Petroleum Administration for War may also require

an independent audit of any report or information submitted hereunder, and for this purpose the original supplier affected shall permit such auditors or other representative of the Petroleum Administration for War to have access to its plants, books, and records to the extent necessary to verify such reports and information.

(e) *Surveys and investigations.* The several committees designated in this directive shall make such surveys and investigations and shall obtain and analyze such facts, figures, and other data as may be necessary or appropriate in connection with the performance of the functions and duties with which such Committees are charged: *Provided, however,* That wherever available, such facts, figures, and other data shall be obtained from other appropriate committees or subcommittees rather than by new surveys or investigations.

(f) *Administration.* In carrying out their functions under this directive, the committees (including persons employed or designated by them to act as their representatives or in their behalf) and persons affected shall hold meetings and shall consult with each other and with other committees and subcommittees to the extent that may be necessary or desirable to effectuate the terms, conditions, and intent of this revised directive or for the purpose of considering any proposed modification or amendment hereof. All committees, subcommittees, and persons shall supply the committees having the function of carrying any part of this directive into effect with such information, material, and assistance as may be necessary to carry out their functions under this directive. Each of the committees herein referred to shall maintain such staff and appoint such persons as may be necessary to carry out its responsibilities, duties, and functions under this directive. Operating expenses of such committees shall be met as provided in § 1500.7 (j) of this chapter, as amended or supplemented, or as provided in any other recommendation, directive, or order of the Petroleum Administration for War, which may be issued as a substitute therefor.

(g) *Activities of committees.* All action taken hereunder by any committee or subcommittee shall be subject to the supervision of the Petroleum Administration for War. The committees or subcommittees designated in this Directive shall also perform their functions hereunder pursuant to the general supervision and direction of the General Committee.

(h) *Appeals.* (1) Any person not included in Exhibit A shall be added thereto upon application to Petroleum Administration for War, showing that such person (i) during the calendar year 1941 produced or manufactured any principal petroleum product or products in District One; or (ii) during the calendar year 1941 maintained within District One at least one storage facility of 5,000 barrels or more for each principal petroleum product for which the determination as original supplier is being made, and imported regularly into said storage facility from any point outside District One such principal petroleum product or products for sale or resale in District One; or (iii) in 1941 regularly purchased for sale supplies of petroleum or principal petroleum product in District One by tanker and received such principal petroleum products in ocean terminals, owned or controlled by him, such terminals having adequate facilities to accommodate the berthing and unloading of tankers delivering petroleum or principal petroleum products; or (iv) who, in the opinion of the Petroleum Administration for War, can thereby contribute to the war program.

(2) Any person, natural or artificial, affected by this directive or by any schedule provided for hereunder, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Director in Charge, District One, Petroleum Administration for War, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, who shall act promptly upon such appeal and render a decision thereon within a period of 15 days. If dissatisfied with the decision of the District Director in Charge, such person may appeal within 15 days after receipt of notice of the District Director's decision to the Deputy Petroleum Administrator for War or such representative as he may designate.

Issued this 1st day of May 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

EXHIBIT A—ORIGINAL SUPPLIERS LISTED PURSUANT TO § 1510.27 (b)

Zone 1: American Bitumuls Co., American Mineral Spirits Co., Atlantic Refining Co., Cities Service Oil Co., Crown Central Petroleum Corporation, Gulf Oil Corporation, Hartol Products Corporation, Jenny Manufacturing Co., Jones & Co., Inc., Maritime Petroleum Corporation, Pacific Oil Co., Pan American Petroleum & Transport Co., Petroleum Heat & Power Co., Inc., Quincy Oil Co., Richfield Oil Corporation of New York, Royal Petroleum Corporation, Shell Oil Co., Inc., Sinclair Refining Co., Socony-Vacuum Oil Co., Inc., Standard Oil Co. of New Jersey, State Fuel Co., Sun Oil Co., Texas Co., Tide Water Associated Oil Co., Valvoline Oil Co., White Fuel Corporation, Whatt, Inc.

Zone 2: Allegany Refiners, Inc., Allied Oil Co., Inc., American Mineral Spirits Co., Ashland Oil & Refining Co., Asiatic Petroleum Corporation, Atlantic Refining Co., Bradford Penn Refining Corporation, Central Petroleum Corporation, Cities Service Oil Co., Continental Oil Co., Crown Central Petroleum Corporation, Economy Gasoline Corporation, First National Oil Corporation, Frontier Fuel Oil Corporation, Gulf Oil Corporation, Hambleton Terminal Corporation, Hartol Products Corporation, Hess, Inc., Home Fuel Oil Co., Maritime Petroleum Corporation, Pan American Petroleum & Transport Co., Patterson & Co., Inc., Pennsylvania Refining Co., Pennzoil Co., Petrol Corporation, Petroleum Heat & Power Company, Inc., Pure Oil Co., Quaker State Oil Refining Corporation, Richfield Oil Corporation, Royal Petroleum Corporation, Shell Oil Co., Inc., Sinclair Refining Co., Socony-Vacuum Oil Co., Inc., Sonneborn Sons, Inc., Standard Oil Co., Sun Oil Co., Texas Co., Tide Water Associated Oil Co.

Zone 3: American Bitumuls Co., Arkansas Fuel Oil Co., Ashland Oil & Refining Co., Atlantic Refining Co., Cities Service Co., Continental Oil Co., Elk Refining Co., Gulf Oil Corporation, Pan American Petroleum & Transport Co., Patterson & Co., Inc., Petrol Corporation, Petroleum Heat & Power Co., Inc., Pure Oil Co., Republic Oil Refining Co., Richfield Oil Corporation of New York, Shell Oil Co., Inc., Sinclair Refining Co., Standard Oil Co. of New Jersey, Sun Oil Co., Texas Co., Tide Water Associated Oil Co., Viking Distributing Co., James River Oil Co.

Zone 4: Arkansas Fuel Oil Co., Atlantic Refining Co., Continental Oil Co., Elk Refining Co., Gulf Oil Corporation, Pan American Petroleum & Transport Co., Pure Oil Co., Republic Oil Refining Co., Richfield Oil Corporation of New York, Riverside Terminal Co., Shell Oil Co., Inc., Standard Oil Co. of New Jersey, Texas Co., Sinclair Refining Co.

Zone 5: Arkansas Fuel Co., Atlantic Refining Co., Belcher Oil Co., Continental Oil Co., Gulf Oil Corporation, Grange State Oil Co., Pan American Petroleum & Transport Co., Pure Oil Co., Republic Oil Refining Co., Shell Oil Co., Inc., Sinclair Refining Co., Southeastern Oil Co., Standard Oil Co. of Kentucky, Sun Oil Co., Texas Co.

Zone 6: Allegany Refiners, Inc., Allied Oil Co., Inc., Ashland Oil & Refining Co., Atlantic Refining Co., Bradford Penn Refining Corporation, Canfield Oil Co., Carbide & Carbon Chemical Corporation, Cities Service Oil Co., Continental Oil Co., Continental Refining Co., Elk Refining Co., Freedom Oil Co., Frontier Fuel Oil Corporation, Gulf Oil Corporation, Hambleton Terminal Corporation, Kendall Refining Co., Pan American Petroleum & Transport Co., Pennsylvania Refining Co., Pennzoil Co., Pure Oil Co., Quaker State Oil Refining Corporation, Republic Oil Refining Co., Richfield Oil Corporation of New York, Shell Oil Co., Inc., Sinclair Refining Co., Socony-Vacuum Oil Co., Inc., Sonneborn Sons, Inc., Standard Oil Co. of New Jersey, Sun Oil Co., Texas Co., Tide Water Associated Oil Co., United Oil Manufacturing Co., United Refining Co., Valvoline Oil Co., Viking Distributing Co., Waverly Oil Works Co., Wolf's Head Oil Refining Co., Inc., James River Oil Co.

EXHIBIT B

The six zones of District One are as follows:

Zone 1: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Zone 2: The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

Zone 3: The States of Maryland and Virginia and the District of Columbia.

Zone 4: The States of North Carolina and South Carolina.

Zone 5: The States of Georgia and Florida.

Zone 6: That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

[F. R. Doc. 44-6420; Filed, May 5, 1944; 11:34 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

FEES; YELLOWSTONE NATIONAL PARK

Paragraph (p) *Admissions tax, of* § 2.55 *Fees,* is amended by deleting "section 541

of the Revenue Act of 1941", and substituting therefor "section 302 of the Revenue Act of 1943."

Paragraphs (a) and (b) of § 20.13 are amended to read as follows:

§ 20.13 *Yellowstone National Park*—(a) *Fishing; open season; special areas.* The fishing season shall be from sunrise on May 30 to sunset on October 15, except in special areas as follows:

(1) All streams emptying into Yellowstone Lake, including the mouths of the streams, and the Yellowstone River and its tributaries from a point 150 yards above Fishing Bridge to the Upper Falls at Canyon, are open to fishing from July 1 to October 15, inclusive.

(2) The Madison River for its entire length within the park is open to fishing from May 30 to September 30, inclusive.

(b) *Closed waters.* The following waters are closed to fishing:

Indian Creek.
Panther Creek.
Gardiner River for its entire length above the Mammoth water supply intake.
The Mammoth water supply reservoir.
Riddle Lake.
Duck Lake.
All streams trapped for egg taking purposes are closed from the mouths of the streams to a distance of three miles above the traps during the spawning season.

(39 Stat. 535; 16 U.S.C. 3)

Issued this 22d day of April 1944.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 44-6434; Filed, May 5, 1944; 2:55 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Public Land Order 227 [1]]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F.R. 5516, 3 CFR Cum. Supp. p. 1274), it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for aviation purposes:

Beginning at corner No. 1, identical with corner No. 11, M. S. 1339, Arthur Broncho, from which U. S. L. M., No. 1C bears S. 73°33' W., 1110 feet, approximate latitude 64°31' N., longitude 165°23' W.

From the initial point,

S. 14°13' W., 1317.5 feet, to corner No. 2, identical with corner No. 12, M. S. 1339;
S. 23°54' W., 300 feet, to corner No. 3;
N. 71°53' W., 470 feet, to corner No. 4;
N. 5°32' E., 800 feet, to corner No. 5;
N. 18°47' W., 350 feet, to corner No. 6;
N. 67°15' W., 400 feet, to corner No. 7;
S. 70°30' W., 330 feet, to corner No. 8;
S. 75°30' W., 660 feet, to corner No. 9;
S. 79°07' W., 600 feet, to corner No. 10;
N. 84°18' W., 890 feet, to corner No. 11;
N. 48°14' W., 780 feet, to corner No. 12;
N. 41°46' E., 1,120 feet, to corner No. 13, a point on line C–D, Civil Aeronautics Administration Tract as described in lease recorded June 21, 1941, in Book 219 of Leases, Page 238, Instrument No. 81955, Cape Nome Recording Precinct, Territory of Alaska;
N. 23°50' W., 110 feet, to corner No. 14, identical with corner D, Civil Aeronautics Administration Tract;
N. 19°51' E., 293.73 feet, to corner No. 15, identical with corner E, Civil Aeronautics Administration Tract;
N. 70°09' W., 2,100 feet, to corner No. 16, identical with corner F, Civil Aeronautics Administration Tract;
N. 19°51' E., 460 feet, to corner No. 17, a point on line F–G, Civil Aeronautics Administration Tract;
N. 87°12' E., 230 feet, to corner No. 17A, a point on line G–H, Civil Aeronautics Administration Tract;
S. 70°09' E., 1,890 feet, to corner No. 18, identical with corner H, Civil Aeronautics Administration Tract;
N. 78°20' E., 130 feet, to corner No. 19, on line H–I, Civil Aeronautics Administration Tract;
N. 50°30' E., 2,000 feet, to corner No. 20;
N. 41°46' E., 1,810 feet, to corner No. 21;
S. 48°14' E., 300 feet, to corner No. 22;
S. 41°46' W., 1,880 feet, to corner No. 23;
S. 2°27' E., 850 feet, to corner No. 24;
S. 22°30' E., 180 feet, to corner No. 25;
S. 7°06' E., 370 feet, to corner No. 26;
N. 75°55' E., 740 feet, to corner No. 27, a point on line 1–2, M. S. 1142, Skookum Placer;
S. 49°15' E., 340 feet, to corner No. 28, identical with corner No. 5, M. S. 1142, Skookum Placer;
S. 19°43' W., 1,265 feet, to corner No. 29, a point on line 10–11, M. S. 1339;
S. 71°35' E., 830 feet, to the place of beginning.

The area described, including both public and non-public lands, aggregates 241.4 acres.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

APRIL 27, 1944.

[F. R. Doc. 44-6466; Filed, May 6, 1944; 10:08 a. m.]

[1] Appendix.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

MONTHLY REPORTS OF NUMBER OF PASSENGERS CARRIED ON OCEAN AND COASTWISE PASSENGER VESSELS

WAIVER OF NAVIGATION AND VESSEL INSPECTION REGULATIONS

Vessels engaged in business connected with the conduct of the war.

The Acting Secretary of the Navy having by order dated 1 October, 1942 (7 F.R. 7079) waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war; and

The Army Transport Service having indicated that the efficient prosecution of the war would be impeded by the application to certain ocean and coastwise passenger vessels of certain inspection regulations requiring monthly reports of the number of passengers carried;

Now therefore, upon request of the Army Transport Service, I hereby find it to be necessary in the conduct of the war that there be waived compliance with Vessel Inspection Regulation administered by the United States Coast Guard, 46 CFR 62.18 (g) (2), to the extent that the Master of any ocean or coastwise passenger vessel which (1) is operated by or allocated to the Army or the Navy, or (2) which carries passengers under the direction of military authorities, shall not be required to submit a monthly report of the number of passengers carried as provided by the aforesaid regulation.

Dated: May 5, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 44-6505; Filed, May 8, 1944; 10:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES [1]

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of April, A. D. 1944.

In the matter of regulations for transportation of explosives and other dangerous articles.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable

[1] Appendix to Part 3 and Part 7 in this order appear in CFR as Parts 72 and 85.

means for securing safety in transit and with the need therefor for promoting safety of operation and standards of equipment used in the transportation of said dangerous articles:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

Appendix to Part 3—Shipping Container Specifications (CFR 72)

Amending paragraph 3, spec. 36A, order Aug. 16, 1940, as follows (add):

NOTE: Because of the present emergency and until further order of the Commission, cloth of 40-inch width—2.11 yards per pound may be used, provided creped paper is of two-way stretch construction.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highway (CFR 85)

Superseding and amending footnote a of chart, section 825, order Nov. 8, 1941, to read as follows:

a Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those in columns b, c, e, and f. Blasting caps and/or electric blasting caps may be transported in the same motor vehicle with high explosives or nitroglycerin in conformity with sec. 824 of these regulations.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after April 27, 1944, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That a copy of this order be served upon all the parties of record herein; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445, sec. 204, 49 Stat. 546, sec. 4, 52 Stat. 1232, sec. 20, 54 Stat. 922, 56 Stat. 176; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-6473; Filed, May 6, 1944; 11:19 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

COLONIAL NATIONAL HISTORICAL PARK

TRANSFER OF JURISDICTION FROM INTERIOR DEPARTMENT TO NAVY DEPARTMENT

By virtue of the authority vested in me by the act of December 24, 1942, 56 Stat. 1085, it is ordered as follows:

Subject to existing leases, licenses, and easements, the following-described land constituting a portion of the Colonial National Historical Park, Yorktown, Virginia, is hereby transferred to the control and jurisdiction of the Department of the Navy:

Beginning at the point where the east boundary of the Naval Mine Depot area (west boundary of the Colonial National Historical Park area) intersects the north right-of-way line of the public road in square O-18.

From the initial point, courses and distances being approximate,

N. 74°30' E., 550 ft. along north right-of-way line of public road;

N. 15°35' E., 570 ft.;

N. 47°30' E., 690 ft. to the center line of Ballards Creek;

Westerly upstream along the center line of Ballards Creek, 950 ft. to the east boundary of Naval Mine Depot area;

S. 15°35' W., 1220 ft., along the east boundary of Naval Mine Depot area to the place of beginning.

The tract as shown on Section of Map of Naval Mine Depot No. D3-131-Square O-18-P. W. Dwg. 4194, dated January 20, 1941, on file in the office of the Superintendent, Colonial National Historical Park, Yorktown, Virginia, contains approximately 16 acres.

[SEAL] ABE FORTAS, *Acting Secretary of the Interior.*

APRIL 22, 1944.

[F. R. Doc. 44-6435; Filed, May 5, 1944; 2:56 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1351]

PAN AMERICAN AIRWAYS CORP.

NOTICE OF HEARING

In the matter of the application of Pan American Airways, Inc., and Pan American Airways Corporation for orders approving the acquisition of stock of China National Airways Corporation, if such approval is necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on June 6, 1944, at 10 a. m. (eastern war time), in Room 5042 Commerce Building, 14th Street and Constitution Avenue N.W., Washington, D. C., before Examiner Albert F. Beitel.

Dated Washington, D. C., May 6, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-6532; Filed, May 8, 1944; 11:38 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6593]

RADIOCOMMUNICATIONS SYSTEMS IN RAILROAD OPERATIONS

ORDER DIRECTING INVESTIGATION OF ESTABLISHMENT AND USE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1944,

Whereas the use of radio for safety purposes in connection with the operation of railroads has become a matter of increasing interest and importance and the Commission has recently received a number of applications for experimental authorizations for use of radio in connection with railroad operation; and

Whereas it appears to be in the public interest to undertake an investigation and to hold such hearings as may be necessary to develop full information concerning the use of radio for safety and other purposes in railroad operation; and

Whereas the Commission is authorized to conduct such an investigation under the Communications Act of 1934, as amended, sections 4 (o), 303 (g) and 303 (k) of which, in particular, provide in this respect as follows:

4 (o) For the purpose of obtaining maximum effectiveness from the use of radio and wire communications in connection with safety of life and property, the Commission shall investigate and study all phases of the problem and the best methods of obtaining the cooperation and coordination of these systems.

SEC. 303. Except as otherwise provided in this act, the Commission from time to time, as public convenience, interest, or necessity requires, shall:

(g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

It is ordered, That an investigation be undertaken to ascertain the facts and to develop information regarding the use of radio in connection with the operation of railroads, as an aid in the protection of life and property, or otherwise; and

It is further ordered, That hearings with respect to such investigation may be held at such times and places as may be designated; and

It is further ordered, That a copy of this order shall be served upon the Interstate Commerce Commission, the Office of Defense Transportation, the Board of War Communications, the Secretary of War, the Secretary of the Navy, the Association of American Railroads, the Institute of Radio Engineers, the Radio Manufacturers Association, the Radio Technical Planning Board, the Railway Labor Executives Association; and

It is further ordered, That the above-named persons, organizations and governmental authorities be, and they are hereby, given leave to participate fully in any hearings that may be held herein; and that any other person or organization desiring to participate in such hearings shall so inform the Commission in writing.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-6526; Filed, May 8, 1944; 11:09 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5155]

FERRO ENAMEL CORP., ET AL.

ISSUANCE OF COMPLAINT AND NOTICE OF HEARING

In the matter of Ferro Enamel Corporation, Pemco Corporation, the O. Hommel Company, a corporation, Chicago Vitreous Enamel Product Co., a corporation, Ingram-Richardson Mfg. Co. of Indiana, Inc., and Stevenson, Jordan & Harrison, a corporation; and Harry L. Moody, an individual.

Complaint

Count I. Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Ferro Enamel Corporation, Pemco Corporation, The O. Hommel Company, a corporation, Chicago Vitreous Enamel Product Co., a corporation, Ingram-Richardson Mfg. Co. of Indiana, Inc., Stevenson, Jordan & Harrison, a corporation, and Harry L. Moody, an individual, hereinafter referred to as respondents, have violated the provisions of section 5 of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Ferro Enamel Corporation, sometimes hereinafter referred to as respondent Ferro, is a corporation organized under the laws of the State of Ohio with its principal office and place of business located at 4150 East 56th Street in the City of Cleveland in said State.

Respondent Pemco Corporation, sometimes hereinafter referred to as Pemco, is a corporation organized under the laws of the State of Maryland with its principal office and place of business located at Eastern and Pemco Avenues in the City of Baltimore in said State. It is a successor to Porcelain Enamel & Manufacturing Co. of Baltimore.

Respondent The O. Hommel Company, sometimes hereinafter referred to as respondent Hommel, is a corporation organized under the laws of the State of Pennsylvania with its principal office and place of business located at Carnegie in said State.

Respondent Chicago Vitreous Enamel Product Co., sometimes hereinafter referred to as respondent Chicago Vitreous is a corporation organized under the laws of the State of Illinois with its principal office and place of business located at 1427 South 55th Court in the City of Cicero in said State.

Respondent Ingram-Richardson Mfg. Co. of Indiana, Inc., sometimes hereinafter referred to as respondent Ing-Rich, of Indiana, is a corporation organized under the laws of the State of Indiana with its principal office and place of business located at Frankfort in said State.

PAR. 2. The respondent corporations named in paragraph one hereof, hereinafter referred to collectively as respondent manufacturers, are all engaged in manufacturing, compounding or smelting of chemicals used in the manufacture of porcelain enamel, popularly known and sometimes hereinafter referred to as "frit" (which is the porcelain enamel in its raw state), and in the sale of said product to manufacturers and fabricators of porcelain enamel products, such as table tops, kitchen tables, drain boards, bath tub covers, also parts for stoves, refrigerators, store fixtures, wall coverings and porcelain enamel signs, and cause said product, when so sold, to be shipped and transported from their respective places of business and factories in the States of Ohio, Maryland, Pennsylvania, Illinois and Indiana, as aforesaid, to the purchasers thereof located in the several States of the United States other than the States of origin of the shipments. Said respondent manufacturers in the course and conduct of their said businesses manufacture and sell approximately 96% of all the commercial "frit" manufactured and sold in the United States. Prior to the adoption of the practices hereinafter described, said respondent manufacturers were in active and substantial competition with each other and with other members of the industry in making and seeking to make sales of their said product in commerce between and among the several States of the United States and in the District of Columbia, and but for the practices hereinafter described such active and substantial competition would have continued until the present, and said respondent manufacturers would now be in active and substantial competition with each other and with other members of the industry.

PAR. 3. Respondent Stevenson, Jordan & Harrison, sometimes hereinafter referred to as respondent S. J. & H., is a corporation organized, existing and doing business under the laws of the State of New York, having its principal office and place of business located at 19 West 44th Street in the City of New York in said State. Said respondent is engaged in business management and business engineering, specializing in management of trade associations.

Respondent Harry L. Moody, at all times hereinafter mentioned was a director of respondent S. J. & H. in charge of the activities of the respondent manufacturers and is named as respondent herein individually and as director of respondent S. J. & H.

PAR. 4. Respondent manufacturers, acting in cooperation with each other and with respondent S. J. & H. and respondent Moody, for more than three years last past have been engaged in an understanding, agreement, combination, and conspiracy to hinder and suppress competition in the manufacture and interstate sale and distribution of "frit" or porcelain enamel in its raw state, to purchasers thereof; and to create and maintain a monopoly in the manufacture and interstate sale and distribution of said product in the said respondent manufacturers. Pursuant to said understanding, agreement, combination, conspiracy and in furtherance thereof, the respondents have acted in concert and in cooperation with each other or have followed a planned or prearranged common course of action in doing, among others, the following acts, practices and things:

(a) Respondent manufacturers have fixed minimum and identical prices f. o. b. their respective plants for the sale of various grades or coats of "frit" or porcelain enamel in its raw state, sold and distributed by them.

(b) For the purpose and with the effect of equalizing and making identical to any given purchaser at any given destination the delivered costs from all of respondent manufacturer's plants and of neutralizing the differences in freight costs from their respective plants as a factor in price competition, respondent manufacturers have established and utilized a program or system of so-called freight equalization. Under such program or system each manufacturer having the greatest freight disadvantage with reference to any given destination is enabled to quote and sell to any purchaser at the same delivered cost as the manufacturer having the greatest freight advantage. The accomplishment of such purpose, effect, program and system is conditioned upon each manufacturer reciprocally and in alternation adopting the equivalent of each other's f. o. b. plant price in their respective freight advantage territories; upon each manufacturer refusing to permit purchasers to take possession f. o. b. plant and provide their own transportation, and upon each ignoring differences in their respective costs of production, of selling and of overhead. Said freight equalization program is in effect an undertaking by all respondent manufacturers to make no delivered price at any place that will preclude the most disadvantaged of their number from matching it.

(c) Respondent manufacturers have classified their respective customers according to the total annual volume of "frit" purchased by each of them from all sources and make identical delivered prices and discounts on all sales of said product to all such customers according to such classification.

(d) Respondent manufacturers file with the respondent S. J. & H. and respondent Moody price lists containing the quoted prices and discounts on each grade or coat of said product to each class of customer; and copies of invoices and orders covering the sales of their said product, each invoice to contain the name of the purchaser, the quantity sold of each grade and coat and the price and discount of same for each class of customer; and said respondent S. J. & H. and respondent Moody disseminate among the respondent manufacturers the prices and discounts so filed, with the understanding that respondent manufacturers will maintain the said prices and discounts and will notify said respondent S. J. & H. and respondent Moody of any changes in price or discount already in effect or new grades or coats of said product; and that said respondent S. J. & H. and respondent Moody will disseminate to the respondent manufacturers information as to price and discount changes and new prod-

ucts put on the market by any respondent manufacturer.

(e) Respondent manufacturers file with said respondent S. J. & H. and respondent Moody credit reports setting forth the names of the customers receiving credit and the credit limit allowed, said credit information being disseminated by said respondent S. J. & H. and respondent Moody to other respondent manufacturers in a composite credit report with the understanding that any customer who is in arrears beyond a fixed credit limit cannot purchase from any other respondent manufacturer on open account nor be sold by the respondent manufacturer to whom he is indebted on open account, but shall be required to purchase on a c. o. d. basis in the future until he has paid up his account in arrears.

(f) Respondent manufacturers file from time to time with respondent S. J. & H. and respondent Moody "credit memoranda" disclosing the nature of credit given their respective customers and respondent S. J. & H. and respondent Moody circulate among the respondent manufacturers a bulletin showing the information contained in said "credit memoranda" filed by respondent manufacturers.

(g) Respondent manufacturers file with respondent S. J. & H. and respondent Moody monthly reports of shipments of "frit" to their customers, both gross and net, and respondent S. J. & H. and respondent Moody disseminate among the respondent manufacturers a composite statement of the total volume of shipments of "frit" by the respondent manufacturers during each month.

(h) Respondent manufacturers have adopted the practice of declining to sell "frit" on consignment; and also of declining to perform certain services for their customers such as mounting the product on skids or pallet for carload shipments; also of declining to give certain extra demonstrations of their product in the places of business of their customers; also of declining to make special inducements to take customers away from each other.

(i) Respondent manufacturers from time to time hold and attend meetings in cooperation with each other and under the auspices of respondent S. J. & H. and respondent Moody, at which meetings the various acts and practices and things hereinbefore set forth are discussed, including various reports received by respondent S. J. & H. and respondent Moody from the respondent manufacturers, also complaints of respondent manufacturers with respect to the maintenance or non-observance by respondent manufacturers of the acts, practices and understandings hereinbefore mentioned.

(j) The respondent S. J. & H. and respondent Moody cooperate with and assist said respondent manufacturers in the enforcement and observance of the foregoing acts, practices and understandings by disseminating monthly volume reports showing the industry and each respondent manufacturer's total volume in pounds and dollars and percentages of each manufacturer in pounds and dollars for current month and year to date; monthly report showing industry and each respondent manufacturer's freight equalization charges for the month and year to date; monthly reports in pounds and dollars showing the industry and each respondent manufacturer's volume by classification, grade and type, and price per pound for the industry and for each respondent manufacturer and each manufacturer's percentage of the total industry volume and the percent of the average per pound price; other periodical reports showing volume in pounds and dollars of each customer's purchases from the industry, and by checking up on the respondent manufacturers to determine whether or not they are living up to or maintaining the said acts, practices and understandings and reporting at said meetings or otherwise to the respondent manufacturers any deviations therefrom or violations thereof to the end that said acts, practices and understandings shall be uniformly and universally observed by the respondent manufacturers.

PAR. 5. The acts, practices and things performed by the respondents as hereinabove alleged are all to the prejudice of the public; have a dangerous tendency to and have actually hindered and prevented price competition between and among respondent manufacturers in the sale of "frit", porcelain enamel in its raw state, in commerce, within the intent and meaning of the Federal Trade Commission Act; have placed in respondent manufacturers the power to control and enhance prices in said product; have created in the respondent manufacturers a monopoly in the sale of said product in such commerce; have unreasonably restrained such commerce in said product; and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act.

Count II. The Federal Trade Commission having reason to believe that Ferro Enamel Corporation, Pemco Corporation, The O. Hommel Company, a corporation, Chicago Vitreous Enamel Product Co., a corporation, Ingram-Richardson Mfg. Co. of Indiana, Inc., hereinbefore referred to as respondent manufacturers, have violated and are now violating the provisions of section 2 of the act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes approved October 15, 1914, (The Clayton Act) as amended by the Robinson-Patman Act (U. S. C. Title 15, sec. 13)" hereby issues this its complaint against said respondents and states its charges with respect thereto as follows; to-wit:

PARAGRAPH 1. For its charges in this paragraph of this count, said Commission relies upon the matters and things set out in paragraph one of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein and said paragraph one of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. For its charges in this paragraph of this count, said Commission relies upon the matters and things set out in paragraph two of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein and said paragraph two of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. 3. For its charges in this paragraph of this count, said Commission relies upon the matters and things set out in paragraph three of Count I of this complaint to the same extent and as though the allegations of said paragraph of said Count I were set out in full herein and said paragraph three of said Count I is therefore incorporated herein by reference and made a part of the allegations of this count.

PAR. 4. In the course and conduct of their said businesses as described in paragraphs one and two of Count I of this complaint, said respondent manufacturers have been for more than three years last past and are now discriminating in price between different purchasers buying "frit", porcelain enamel in its raw state by selling their said product to some of their customers at lower prices than they sell said product of like grade and quality to other of their customers, many of which customers are competitively engaged one with another throughout the several States of the United States, in the sale of manufactured and fabricated products containing said "frit" as an important and substantial part thereof. The respondents during the said period of time have engaged in the following discriminatory practices and methods in determining the prices at which they sell their said product to their said customers;

(1) Respondent manufacturers classify their customers according to the annual dollar volume of purchases of "frit" from all sources and grant discounts to each customer based upon such classification;

(2) Respondent manufacturers furnish respondent S. J. & H. and respondent Moody with regular periodical reports of annual dollar volume of sales of said product to their respective customers and respondent S. J. & H. and respondent Moody disseminate among respondent manufacturers a volume report containing a summary of all sales of said product by all respondent manufacturers each month;

(3) Respondent manufacturers utilize the said customer volume reports disseminated by the respondent S. J. & H. and respondent Moody to determine the classification of any customer and the amount of discount to be allowed from list prices, said classification being adjusted from time to time in accordance with said customer volume report;

(4) Pursuant to such classification and determination the respondent manufacturers have, during said period of time, followed and maintained the following schedule of discounts from list prices based on total purchases from all sources:

Classification	Amount of purchases	Discount
		Percent
A	$5,000 per year	Base
B	$5,000 to $10,000	5
C	$10,000 to $20,000	10
D	$20,000 to $29,000	12½
E	$29,000 to $40,000	15
F	Over $40,000	20

PAR. 5. The effect of the said discriminations in price mentioned in paragraph four hereof has been or may be substantially to lessen competition in the line of commerce in which said respondents are engaged and to injure, destroy and prevent competition between and among the said respondents and to injure, destroy and prevent competition between the customers of said respondents in the sale and distribution of products containing said "frit" as a substantial component part and has been and may be to tend to create a monopoly in said commerce in the various localities or trade areas in the United States in which said respondents and their customers are engaged in the sale and distribution of said product.

PAR. 6. The foregoing acts and practices of respondents are violations of subsection 2 (a) of section 1 of the said act of Congress approved June 1, 1936, entitled "'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes', approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes."

Wherefore the premises considered, the Federal Trade Commission on this 29th day of April A. D., 1944, issues its complaint against said respondents.

Notice

Notice is hereby given you, Ferro Enamel Corporation, Pemco Corporation, The O. Hommel Company, a corporation, Chicago Vitreous Enamel Product Co., a corporation, Ingram-Richardson Mfg. Co. of Indiana, Inc., and Stevenson, Jordan and Harrison, a corporation and Harry L. Moody, an individual, respondents herein, that the 2d day of June A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of April, A. D., 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-6467; Filed, May 6, 1944; 10:08 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 79, Revocation]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised-79 (8 F.R. 13963), filed with the Office of Defense Transportation by the parties subject thereto, and good cause appearing therefor, *It is hereby ordered*, That Supplementary Order ODT 3, Revised-79 be, and it hereby is, revoked.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-6511; Filed, May 8, 1944; 10:22 a. m.]

[Supp. Order ODT 3, Rev. 234]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN M'ALLEN AND ROMA, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such

[1] Filed as part of the original document.

plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 12, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Red Arrow Freight Lines, Inc., Houston, Tex.
Jones Motor Freight Lines, Inc., Harlingen, Tex.

[F. R. Doc. 44-6509; Filed, May 8, 1944; 10:22 a. m.]

[Supp. Order ODT 3, Rev. 237]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN BRIDGEPORT AND WATERBURY, CONN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractural arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective May 12, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Laskas Motor Lines., Inc., Waterbury, Conn.
Bernard Marra, doing business as Marra Transportation Company, Bridgeport, Conn.

[F. R. Doc. 44-6508; Filed, May 8, 1944; 10:22 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 20A-109]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN MORGANFIELD, CORYDON, AND HENDERSON, KY., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Morganfield, Corydon, and Henderson, Kentucky, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials

and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected bv this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Evansville, Indiana, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–109" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Evansville, Indiana.

8. This order shall become effective May 16, 1944 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Marshall W. Gathof, dba City Cab Co., Morganfield, Ky.
Robert Shockley, dba 319 Cab Co., Morganfield, Ky.
Arlynn Lofton, dba 55 Cab Co., Morganfield, Ky.
Chester McGrew, dba Blue Top Cab Co., Morganfield, Ky.
Clarence Eaton, dba 500 Cab Co., Morganfield, Ky.
Roy Waller, Morganfield, Ky.
J. W. Hughes, dba Corydon Cab Co., Corydon, Ky.
Cox Taxi Co., Henderson, Ky.
Dixie Cab Co., Henderson, Ky.

[F. R. Doc. 44–6506; Filed, May 8, 1944; 10:22 a. m.]

[Supp. Order ODT 20A–110]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN NASHVILLE, TENN., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Nashville, Tennessee, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Nashville, Tennessee, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan fn accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–110" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Nashville, Tennessee.

8. This order shall become effective May 16, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

O. D. Jenkins, Manager, General Cab Co., Nashville, Tenn.
J. R. Reynolds, Deluxe Cab Co., Nashville, Tenn.
O. D. Jenkins, Vice President, Consolidated Cab Co., Nashville, Tenn.

[F. R. Doc. 44–6507; Filed, May 8, 1944; 10:22 a. m.]

[Supp. Order ODT 20A–111]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN COLUMBIA, S. C., AREA

Upon consideration of a plan for joint action filed with the Office of Defense

[1] Filed as part of the original document.

Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Columbia, South Carolina, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Columbia, South Carolina, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–111" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Columbia, South Carolina.

8. This order shall become effective May 16, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Isaih Allen, 12 Science Alley, Columbia, S. C.
Henry Middleton, 730 Laurel Street, Columbia, S. C.
Willie Pope, 2130 Senate Street, Columbia, S. C.
Frank Boyd, 2511 Youman Street, Columbia, S. C.
Robert Mikle, Apt. O–7, Benedict Court, Columbia, S. C.
Louis Mikle, 2216 Gervais Street, Columbia, S. C.
Chris Cantey, 2225½ Senate Street, Columbia, S. C.
Arthur Wright, Route 2, Box 180, Columbia, S. C.
Mose McDaniel, 2120 Barhanville Road, Columbia, S. C.
Thomas L. Ruff, 2431 Read Street, Columbia, S. C.
John A. Clay, 81 Blossom Street, Columbia, S. C.
Paul W. Griffin, 2354 Washington Street, Columbia, S. C.
Mose Mazone, 909½ Devine Street, Columbia, S. C.
George A. Elmore, 907 Tree Street, Columbia, S. C.
Frank Bowman, R–1, Box 8, West Columbia, S. C.
E. C. Stewart, 526 Sumter Street, Columbia, S. C.
Joseph L. Hope, 2020 Heidt Street, Columbia, S. C.
W. P. Smith, 1024 Washington Street, Columbia, S. C.
Ernest Frazier, 2508 Pendleton Street, Columbia, S. C.
Ulysses Gilliam, 2451 Senate Street, Columbia, S. C.
Cromer Ware, 2476 Senate Street, Columbia, S. C.
Preston Davis, R 1, Box 29–73, Columbia, S. C.
Rev. David King, 617 Palmetto Avenue, Columbia, S. C.
Eddie J. Bentley, Apt. Z–4, Benedict Court, Columbia, S. C.
Aaron Jenkins, 320 Pickens Street, Columbia, S. C.
Rev. E. L. Blair, 421 Taylor Street, Columbia, S. C.
Jessie Fox, 1816 Heidt Street, Columbia, S. C.
Jessie Grant, R–3, Box 5, Columbia, S. C.
James Benson, 1805 Oak Street, Columbia, S. C.
George Carpenter, Apt. X–5, Benedict Court, Columbia, S. C.
Wilhemenia Dial, 1519 Hugar Street, Columbia, S. C.
John Edmons, 1000 Washington Street, Columbia, S. C.
Haskell Elkins, 979 Heidt Street, Columbia, S. C.
John Goldston, 11 Green Street, Columbia, S. C.
John Northrup, 1727 Williams Street, Columbia, S. C.
Albert Richardson, 614 Blanding Street, Columbia, S. C.
Lena Roof, 2126 Elmwood Avenue, Columbia, S. C.
Moses P. Ruff, 2308 Read Street, Columbia, S. C.
Pervis Shepard, 2348 Washington Street, Columbia, S. C.
Ben Taylor, 2238 Luzon Street, Columbia, S. C.
Henry Thompson, 2436 Washington Street, Columbia, S. C.
Willie Thompson, 2516 Gervais Street, Columbia, S. C.
Jessie Weston, 209 Marion Street, Columbia, S. C.
Virgin Wise, 1521 Rice Street, Columbia, S. C.
George Young, 23 Railroad Avenue Columbia, S. C.

[F. R. Doc. 44–6510; Filed, May 8, 1944; 10:23 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Gen. Order 46]

HEARING ADMINISTRATOR AND HEARING COMMISSIONERS

DELEGATION OF AUTHORITY

General Order 46 is redesignated Revised General Order 46 and is revised and amended to read as follows:

Pursuant to the authority conferred upon the Administrator by Executive Order 9125, Executive Order 9280, War Production Board Directive No. 1, as supplemented, and the Food Distribution Administration Food Directive No. 3, and Food Directive No. 4, the following order is prescribed:

(a) The Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, and the several Hearing Commissioners are authorized:

(1) To determine whether any person has violated any regulation or order heretofore issued by the Office of Price Administration or the Administrator pursuant to War Production Board Directive No. 1, as heretofore or hereafter supplemented, or pursuant to any Food Directive heretofore or hereafter issued to the Office of Price Administration or the Administrator, by the Secretary of Agriculture or the War Food Administrator, or whether any person sold or transferred or offered or attempted to sell or transfer, or in the course of trade or business has bought or received or offered or attempted to buy or receive, any rationed commodity at a price in excess of the applicable maximum price established for that commodity by the Office of Price Administration; and upon such determination to issue such suspension orders and take such other action as may be appropriate in the premises.

(2) To administer oaths and affirmations, to hold and preside over suspension order hearings and to exercise any

[1] Filed as part of the original document.

discretion necessary or appropriate to the conduct of such hearings;

(3) To sign and issue subpoenas requiring any person to appear and testify or to appear, and produce books or records or any other documentary or physical evidence, or both, at any suspension order hearing;

(4) To exercise any power, authority or discretion conferred by paragraph (a) (2) of Revised General Order No. 46 through such officer or employee of the Office of Price Administration as the Hearing Administrator, the Deputy or any Assistant Hearing Administrator, or any Hearing Commissioner may designate for such purpose.

(b) The Hearing Administrator is authorized to consider and determine all petitions for reconsiderations of or appeals from suspension orders heretofore or hereafter issued, to issue such orders and take such action thereon as may be appropriate in the premises. Whenever the Hearing Administrator shall declare himself personally disqualified or shall for any other reason be unable or consider it impracticable personally to exercise the authority delegated in this paragraph, then the Deputy or Assistant Hearing Administrators are authorized to perform the functions set forth in this paragraph.

(c) Any decision made, order issued or action taken by the Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, or by any Hearing Commissioner pursuant to this Revised General Order No. 46, shall have the same force and effect as if made, issued or taken by the Administrator.

(d) This Revised General Order No. 46 shall take effect on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6441; Filed, May 5, 1944; 3:49 p. m.]

[MPR 120, Order 706]

PORTER ELKHORN COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Correction

In F.R. Doc. 44-5652, appearing at page 4369 of the issue for Saturday, April 22, 1944, the maximum price in the third table on page 4370 for rail shipments and R. R. fuel, Size Group 18, should be "$3.00".

[MPR 188, Order 1556]

GRANITE LUMBER & FURNITURE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1556 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of two chairs and a table manufactured by Granite Lumber & Furniture Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) The maximum prices for all sales and deliveries by Granite Lumber & Furniture Company, Granite Falls, North Carolina, of articles of furniture of its manufacture, as described in its application, after such articles became subject to Maximum Price Regulation No. 188 are those as set forth below:

	To jobbers	To dealers
Chair No. 10	$3.17	$3.95
Chair No. 15	2.44	3.05
Table No. 25	8.23	10.25

These maximum prices are f. o. b. factory.

(b) Any person may sell and deliver at wholesale the articles of furniture manufactured by Granite Lumber & Furniture Company to dealers at maximum prices no higher than those set forth below:

Chair No. 10	$3.95
Chair No. 15	3.05
Table No. 25	10.25

These maximum prices are f. o. b. shipping point.

(c) At the time of or prior to the first invoice to each purchaser for resale, Granite Lumber & Furniture Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6442; Filed, May 5, 1944; 3:47 p. m.]

[MPR 188, Order 1557]

MILLS FURNITURE MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1557 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a sewing cabinet manufactured by Mills Furniture Mfg. Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) The maximum prices for all sales and deliveries by Mills Furniture Manufacturing Company, 1960 West Harrison Street, Chicago, Illinois, of the sewing cabinet of its manufacture, as described in its application, after such article became subject to Maximum Price Regulation No. 188 is $4.50 to jobbers who sell against the manufacturer's stock and $5.30 to dealers. These maximum prices are net f. o. b. factory.

(b) On and after the effective date of this order, the maximum price for all sales and deliveries at wholesale by jobbers and any other persons from the manufacturer's stock of the sewing cabinet described in paragraph (a) above shall be $5.30 per unit, net f. o. b. shipping point.

(c) At the time of or prior to the first invoice to each purchaser for resale, Mills Furniture Manufacturing Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(3) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6443; Filed, May 5, 1944; 3:48 p. m.]

[MPR 188, Order 1558]

B-LINE MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1558 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a high chair manufactured by B-Line Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) The maximum prices for all sales and deliveries by B-Line Manufacturing Company, Box 975, Chattanooga, Tennessee, of the high chair of its manufacture, as described in its application, after such article became subject to Maximum Price Regulation No. 188 are those as set forth below:

	To jobbers who sell against the manufacturer's stock	To dealers
Unfinished	$2.45	$2.88
Finished	2.75	3.23

These maximum prices are net f. o. b. factory.

(b) Any person may sell and deliver at wholesale the high chair manufactured by B-Line Manufacturing Company to dealers at maximum prices no higher than $2.88 unfinished, $3.23 finished, net f. o. b. shipping point.

(c) At the time of or prior to the first invoice to each purchaser for resale, B-Line Manufacturing Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6444; Filed, May 5, 1944; 3:48 p. m.]

[MPR 188, Order 1559]

GORDON BENNETT

APPROVAL OF MAXIMUM PRICES

Order No. 1559 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of an infant's play pen, Model 52, manufactured by Gordon Bennett, Brooklyn, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) The maximum price for all sales and deliveries by Gordon Bennett, 52 Underhill Avenue, Brooklyn, New York of the infant's play pen of its manufacture, Model No. 52, as described in its application, after such article became subject to Maximum Price Regulation No. 188 is $4.93 to jobbers and $5.80 to dealers.

(b) Any person may sell and deliver at wholesale the infant's play pen, Model No. 52 manufactured by Gordon Bennett, to dealers at a maximum price no higher than $5.80 per unit, f. o. b. shipping point.

(c) At the time of or prior to the first invoice to each purchaser for resale, Gordon Bennett shall notify the purchaser for resale of the maximum prices and conditions set by this Order No. 1559 for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1559 may be revoked or amended by the Price Administrator at any time.

This Order No. 1559 shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6445; Filed, May 5, 1944; 3:48 p. m.]

[MPR 188, Order 1566]

NORTHERN FURNITURE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1566 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of twelve new tables manufactured by Northern Furniture Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) The maximum prices for all sales and deliveries by Northern Furniture Company, 1105 West Pike Street, Goshen, Indiana, of twelve new tables of its manufacture, as described in its application dated April 5, 1944, after the effective date of Maximum Price Regulation No. 188 shall be as follows:

Table No.	To jobbers who sell against manufacturer's stock	To dealers
43 finished	$1.05	$1.31
43 unfinished	.95	1.10
44 finished	1.50	1.80
44 unfinished	1.40	1.70
46 finished	1.50	1.80
46 unfinished	1.40	1.70
48 finished	1.50	1.80
48 unfinished	1.40	1.70
26 finished	1.95	2.45
26 unfinished	1.80	2.30
28 finished	1.95	2.45
28 unfinished	1.80	2.30

These maximum prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days.

(b) On and after the effective date of this order, the maximum price for all sales and deliveries at wholesale by jobbers and any other persons from the manufacturer's stock of the tables described in paragraph (a) above shall be those set forth below, f. o. b. shipping point, subject to a cash discount of 2% for payment within 10 days:

43 finished	$1.31
43 unfinished	1.10
44 finished	1.80
44 unfinished	1.70
46 finished	1.80
46 unfinished	1.70
48 finished	1.80
48 unfinished	1.70
26 finished	2.45
26 unfinished	2.30
28 finished	2.45
28 unfinished	2.30

(c) At the time of or prior to the first invoice to each purchaser for resale, Northern Furniture Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6438; Filed, May 5, 1944; 3:48 p. m.]

[MPR 188, Order 1567]

COLUMBIA ART MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1567 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of new smoking stands manufactured by the Columbia Art Manufacturing Co.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) The maximum prices for all sales and deliveries by Columbia Art Manufacturing Company, 1474 W. Hubbard Street, Chicago, Illinois, of new smoking stands of its manufacture, as described in its application dated April 7, 1944, since the effective date of Maximum Price Regulation No. 188 are as follows:

Article	Model No.	To jobbers who sell against mfr.'s stock	To dealers
Smoking stand	101	$1.10	$1.38
Smoking stand	102	1.30	1.63
Smoking stand	103	1.65	2.06
Smoking stand	104	2.35	2.94
Smoking stand	201	1.10	1.38
Smoking stand	202	1.30	1.63
Smoking stand	203	1.65	2.06
Smoking stand	204	2.35	2.94

These maximum prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days.

(b) On and after the effective date of this order, the maximum price for all sales and deliveries at wholesale by jobbers and any other persons from the manufacturer's stock of the smoking stands described in paragraph (a) above shall be those set forth below, f. o. b. shipping point, subject to a cash discount of 2% for payment within 10 days:

Article	Model No.	Maximum price
Smoking stand	101	$1.38
Smoking stand	102	1.63
Smoking stand	103	2.06
Smoking stand	104	2.94
Smoking stand	201	1.38
Smoking stand	202	1.63
Smoking stand	203	2.06
Smoking stand	204	2.94

(c) At the time of or prior to the first invoice to each purchaser for resale, Columbia Art Manufacturing Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 6th day of May 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6439; Filed, May 5, 1944; 3:48 p. m.]

[RPS 83, Order 8]

ELECTROMATIC DISTRIBUTORS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 8 under § 1336.53 (b) of Revised Price Schedule No. 83. Radio receivers and phonographs. Approval of maximum prices for sales of a replacement type model radio manufactured by Electromatic Distributors, Inc.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for all sales of a five tube A. C.-D. C. Table Model radio manufactured by Electromatic Distributors, Inc., 88 University Place, New York, New York, and designated in its application as a "Cuban Model."

(1) The maximum price for all sales and deliveries of the Cuban five tube A. C.-D. C. Table Model radio to retailers since the effective date of Revised Price Schedule No. 83 by Electromatic Distributors, Inc. is $17.03, inclusive of Federal Excise Tax, f. o. b. New York, New York.

(2) The maximum price for all sales and deliveries at retail of the Cuban Model radio manufactured by Electromatic Distributors, Inc. is $27.30 per set inclusive of the Federal Excise Tax.

(b) On and after May 6, 1944, the manufacturer is required to notify in writing, at the time of or prior to the first invoice, each person who purchases the Cuban Model five tube A. C.-D. C. Table Model radio from it for resale, of the maximum retail prices established by this order for resales by the purchaser. This written notice may be given in any convenient form.

(c) On each radio shipped to a purchaser for resale, the manufacturer shall firmly attach a tag or label which plainly states the maximum retail price.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 6, 1944.

Issued this 5th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6440; Filed, May 5, 1944; 3:49 p. m.]

Regional and District Office Orders.

[Seattle Order G–1 Under 18 (c), Amdt. 1]

FIREWOOD IN YAKIMA COUNTY, WASH.

Amendment No. 1 to Order No. G–1 under § 1499.18 (c) as amended of the Washington.
General Maximum Price Regulation. Certain firewood sold in Yakima County,

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Seattle District Office of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32 and paragraph (d) of Order No. G–1 under § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G–1 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended in the following particulars:

1. The title of the order shall be amended to read "Certain Firewood Sold in Yakima County, Washington."

2. Paragraph (b) is amended to read as follows:

(b) The maximum prices for sales of green and/or dry mill wood, mill run, mill slab, and/or mixed mill run, and/or mixed mill wood or mixed slab, fir, pine, or hemlock, in lengths and types of sales specified below by any retail dealer whose place of business is located within the County of Yakima, Washington, shall be as follows:

(1) Retail sales (sales to the ultimate user except industrial or commercial user):

Source of supply	Delivery conditions	Lengths of wood	Maximum price per cord
(i) For the kinds of wood specified above produced in the area outside the counties of Yakima and Kittitas, except that produced by mills located in the communities of Buckley, Wash., and Enumclaw, Wash.	Delivered from dealer's yard to the premises of consumer in Yakima County.	16 inches or less	$12.25
(ii) For the kinds of wood specified above produced in the area outside the counties of Yakima and Kittitas, except that produced by mills located in the communities of Buckley, Wash., and Enumclaw, Wash.	Sold either f. o. b. the dealer's yard or delivered from the rail car directly to premises of consumer in Yakima County.	16 inches or less	10.25
(iii) For the kinds of wood specified above produced by mills located in the county of Yakima, except that portion within the city limits of the city of Yakima, Wash.; Kittitas County, Wash.; and in the communities of Buckley, Wash., and Enumclaw, Wash.	Delivered from dealer's yard to the premises of consumer in Yakima County.	16 inches or less	11.75
(iv) For the kinds of wood specified above produced by mills located in the county of Yakima, except that portion within the city limits of the city of Yakima, Wash.; Kittitas County, Wash.; and in the communities of Buckley, Wash., and Enumclaw, Wash.	Sold either f. o. b. the dealer's yard or delivered from the rail car directly to premises of consumer in Yakima County.	16 inches or less	9.75

(2) Sales to industrial or commercial users:

Source of supply	Delivery conditions	Lengths of wood	Maximum price per cord
(i) For the kinds of wood specified above produced in the area outside the counties of Yakima and Kittitas, except that produced by mills located in the communities of Buckley, Wash., and Enumclaw, Wash.	Delivered from dealer's yard to the premises of industrial or commercial user in Yakima County.	4-foot	$9.25

(ii) For sales of carload quantities delivery shall be deemed to have been made to the premises of the industrial or commercial user if the car is switched to the nearest rail siding adjacent to the plant of the industrial or commercial user.

3. Paragraph (e) is added to read as follows:

(e) As used herein, the term "cord" shall mean 128 cubic feet of stacked wood or 192 cubic feet of loose wood.

This amendment shall become effective April 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7851 and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of April 1944.

R. E. MORGAN,
Acting District Director.

[F. R. Doc. 44–6386; Filed, May 4, 1944; 4:06 p. m.]

[Region VIII Order G-92 Under 18 (c)]

IMPORTED CANNED ABALONE IN SAN FRANCISCO REGION

Order No. G-92 under § 1499.18 (c) of the General Maximum Price Regulation. Imported canned abalone.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) The adjusted maximum price at which any importer may sell canned abalone, imported from the Republic of Mexico, f. o. b. San Diego, California, shall be $14.75 per case of 48 16-oz. No. 1 tall cans.

(b) The adjusted maximum price at which any person other than an importer, wholesaler, or retailer may sell imported canned abalone shall be $15.75 per case plus actual freight or transportation costs from San Diego, California, to the seller's customary receiving point.

(c) Any importer of canned abalone, in connection with the first sale of imported canned abalone made after May 1st, 1944, shall attach to each case the following notice:

The Office of Price Administration has authorized us to inform you that if you are a wholesaler or a retailer pricing this item under Maximum Price Regulations Nos. 421 or 422 or 423, you must recalculate your maximum price for this item under Section 6 of Maximum Price Regulations Nos. 421, 422 or 423, as the case may be. If you are a seller other than a wholesaler or retailer under Maximum Price Regulation No. 421 or Maximum Price Regulations Nos. 422 or 423, your maximum price shall be $15.75 per case, plus actual freight or transportation costs from San Diego to your customary receiving point. This recalculation shall apply only on your first purchase of this item after May 1st, 1944.

(d) *Definitions.* (1) "Importer" means any person who buys canned abalone in the Republic of Mexico and resells in the United States.

(2) "Wholesaler" shall have the same meaning as in Maximum Price Regulation No. 421.

(3) "Retailer" shall have the same meaning as in Maximum Price Regulations Nos. 422 and 423.

(e) This order shall apply in the States of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River, and the following Counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone.

(f) Order No. G-30 under § 1499.18 (c) of the General Maximum Price Regulation is hereby revoked.

(g) This order shall become effective May 1st, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of April 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-6385; Filed, May 4, 1944; 4:06 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on May 3, 1944.

REGION I

Augusta Order No. 1-F, filed 2:16 p. m.
Connecticut Order No. 2-F, Amendment No. 5, filed 4:13 p. m.
Providence Order No. 1-F, Amendment No. 2, filed 4:13 p. m.
Providence Order No. 2-F, Amendment No. 2, filed 4:13 p. m.

REGION II

District of Columbia Order No. 8, Amendment No. 2, filed 4:02 p. m.
Harrisburg Order No. 17, filed 4:14 p. m.
Harrisburg Order No. 18, filed 1:56 p. m.
Maryland Order No. 3-W, filed 2:21 p. m.
Maryland Order No. 17, Amendment No. 3, filed 4:02 p. m.
Trenton Order No. 1-F, Amendment No. 3, filed 2:21 p. m.
Trenton Order No. 2-F, filed 2:21 p. m.

REGION III

Detroit Order No. 1-F, Amendment No. 12, filed 2:16 p. m.
Detroit Order No. 11, Amendment No. 1, filed 3:56 p. m.
Cleveland Order No. 1-P, Amendment No. 1, filed 2:13 p. m.
Columbus Order No. 3-F, Amendment No. 19, filed 1:52 p. m.
Columbus Order No. 7-F, Amendment No. 19, filed 1:59 p. m.
Charleston Order No. 1-W, filed 2:14 p. m.
Charleston Order No. 2-W, filed 2:14 p. m.
Charleston Order 4-W, filed 2:15 p. m.
Charleston Order No. 7-F, Amendment No. 2, filed 1:57 p. m.
Charleston Order No. 7-F, Amendment No. 3, filed 1:57 p. m.
Charleston Order No. 7-F, Amendment No. 4, filed 2:10 p. m.
Charleston Order No. 8-F, Amendment No. 2, filed 1:59 p. m.
Charleston Order No. 8-F, Amendment No. 3, filed 1:59 p. m.
Charleston Order No. 8-F, Amendment No. 4, filed 2:10 p. m.
Charleston Order No. 9-F, Amendment No. 3, filed 2:10 p. m.
Charleston Order No. 9-F, Amendment No. 2, filed 2:02 p. m.
Charleston Order No. 9-F, Amendment No. 1, filed 2:02 p. m.
Charleston Order No. 10-F, Amendment No. 1, filed 1:59 p. m.
Charleston Order No. 10-F, Amendment No. 2, filed 2:02 p. m.
Charleston Order No. 30, Amendment No. 2, filed 2:12 p. m.
Charleston Order No. 32, Amendment No. 2, filed 2:12 p. m.
Charleston Order No. 37, Amendment No. 2, filed 2:10 p. m.
Grand Rapids Order No. F-14-A, Amendment No. 15, filed 4:03 p. m.
Grand Rapids Order No. F-14-B, Amendment No. 15, filed 4:03 p. m.
Saginaw Order No. 2-F, Amendment No. 15, filed 1:57 p. m.

REGION IV

Birmingham Order No. 1-W, Amendment No. 2, filed 2:13 p. m.
Charlotte Order No. 12, Amendment No. 3, filed 2:13 p. m.
Jackson Order No. 2-F, Amendment No. 8, filed 1:52 p. m.
Memphis Order No. 4-F, Amendment No. 30, filed 1:52 p. m.
Nashville Order No. 5-F, Amendment No. 13, filed 1:54 p. m.
Nashville Order No. 12, Amendment No. 4, filed 2:13 p. m.
Roanoke Order No. 1-F, Amendment No. 12, filed 1:52 p. m.
Savannah Order No. 1-W, Amendment No. 1, filed 1:55 p. m.
Savannah Order No. 14, Amendment No. 1, filed 1:55 p. m.

REGION V

Fort Worth Order No. 1-F, Amendment No. 14, filed 1:55 p. m.
Fort Worth Order No. 2-F, Amendment No. 14, filed 156 p. m.
Fort Worth Order No. 3-F, Amendment No. 14, filed 1:57 p. m.
Fort Worth Order No. 4-F, Amendment No. 14, filed 2:02 p. m.
Fort Worth Order No. 5-F, Amendment No. 14, filed 2:03 p. m.
Fort Worth Order No. 6-F, Amendment No. 3, filed 2:03 p. m.
Houston Order No. 12, Amendment No. 2, filed 3:56 p. m.
Houston Order No. 13, Amendment No. 2, filed 3:56 p. m.
Kansas City Order No. 1-W, Amendment No. 1, filed 2:04 p. m.
Kansas City Order No. 15, Amendment No. 1, filed 2:06 p. m.
Kansas City Order No. 16, Amendment No. 1, filed 2:06 p. m.
Shreveport Order No. 2-F, Amendment No. 11, filed 2:04 p. m.
Shreveport Order No. 3-F, filed 2:04 p. m.

REGION VI

La Crosse Order No. 1-F, Amendment No. 13, filed 2:08 p. m.
La Crosse Order No. 3-F, Amendment No. 9, filed 2:08 p. m.
La Crosse Order No. 4-F, Amendment No. 9, filed 2:08 p. m.
La Crosse Order No. 5-F, Amendment No. 9, filed 2:07 p. m.
Milwaukee Order No. 1-P, Amendment No. 2, filed 2:08 p. m.
Milwaukee Order No. 2-F, Amendment No. 11, filed 4:11 p. m.
Milwaukee Order No. 3-F, Amendment No. 11, filed 2:09 p. m.
Milwaukee Order No. 5-F, Amendment No. 10, filed 4:11 p. m.

REGION VII

Montana Order No. 3-W, Amendment No. 1, filed 4:08 p. m.
Montana Order No. 18-F, filed 4:12 p. m.
Montana Order No. 24-F, Amendment No. 1, filed 4:08 p. m.
Montana Order No. 29-F, filed 4:12 p. m.
Montana Order No. 37, Amendment No. 4, filed 4:08 p. m.
Montana Rev. Order 13, Amendment No. 4, filed 4:11 p. m.
Montana Rev. Order 15, Amendment No. 4, filed 4:09 p. m.
Montana Rev. Order 16, Amendment No. 4, filed 4:09 p. m.
Montana Rev. Order 20, Amendment No. 4, filed 4:09 p. m.
Montana Order No. 22, Amendment No. 4, filed 4:09 p. m.
Montana Order No. 25, Amendment No. 4, filed 4:09 p. m.
Montana Order No. 34, Amendment No. 4, filed 4:03 p. m.
New Mexico Order No. 6, Amendment No. 6, filed 3:56 p. m.
New Mexico Order No. 7, Amendment No. 7, filed 3:57 p. m.
New Mexico Order No. 8, Amendment No. 4, filed 3:57 p. m.
New Mexico Order No. 9, Amendment No. 3, filed 3:59 p. m.
New Mexico Order No. 10, Amendment No. 3, filed 3:58 p. m.
New Mexico Order No. 11, Amendment No. 3, filed 3:58 p. m.
New Mexico Order No. 12, Amendment No. 3, filed 3:58 p. m.
New Mexico Order No. 14, Amendment No. 3, filed 3:59 p. m.
New Mexico Order No. 15, Amendment No. 2, filed 3:59 p. m.

New Mexico Order No. 16, Amendment No. 4, filed 3:59 p. m.
New Mexico Order No. 17, Amendment No. 4, filed 3:59 p. m.
Utah Order No. F-1, Amendment No. 7, filed 4:06 p. m.
Utah Order No. F-2, Amendment No. 6, filed 4:07 p. m.
Utah Order No. F-3, Amendment No. 5, filed 4:07 p. m.
Utah Order No. F-4, Amendment No. 5, filed 4:07 p. m.
Utah Order No. F-5, Amendment No. 5, filed 4:07 p. m.
Utah Order No. F-6, Amendment No. 5, filed 4:06 p. m.
Wyoming Order No. 24, Cor. to Amend. 2, filed 4:01 p. m.

REGION VIII

Phoenix Order No. 1-W, Amendment No. 1, filed 4:04 p. m.
Phoenix Order No. 3-F, Amendment No. 16, filed 4:03 p. m.
San Francisco Order No. 1-F, Amendment No. 11, filed 4:00 p. m.
San Francisco Order No. 2-F, Amendment No. 4, filed 4:00 p. m.
San Francisco Order No. 3-F, Amendment. No. 3, filed 4:00 p. m.
San Francisco Order No. 4-F, Amendment No. 2, filed 4:00 p. m.
San Francisco Order No. 5-F, Amendment No. 1, filed 4:00 p. m.
Seattle Order No. 1-F, Amendment No. 13, filed 4:01 p. m.
Seattle Order No. 2-F, Amendment No. 11, filed 4:01 p. m.
Seattle Order No. 3-F, Amendment No. 13, filed 4:01 p. m.
Seattle Order No. 4-F, Amendment No. 13, filed 4:01 p. m.
Seattle Order No. 5-F, Amendment No. 11, filed 4:01 p. m.
Spokane Order No. 1-F, Amendment No. 6, filed 4:04 p. m.
Spokane Order No. 1-F, Amendment No. 7, filed 4:05 p. m.
Spokane Order No. 2-F, Amendment No. 3, filed 4:05 p. m.
Spokane Order No. 2-F, Amendment No. 4, filed 4:05 p. m.
Spokane Order No. 6-F, Amendment No. 2, filed 4:05 p. m.

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on May 4, 1944.

REGION III

Cincinnati Order No. 1-W, Amendment No. 1, filed 9:45 a. m.
Cincinnati Order No. 2-W, Amendment No. 1, filed 9:44 a. m.
Cincinnati Order No. 3-F, Amendment No. 5, filed 9:44 a. m.
Cincinnati Order No. 10, Amendment No. 2, filed 9:44 a. m.
Cincinnati Order No. 11, Amendment No. 2, filed 9:44 a. m.
Charleston Order No. 13, Amendment No. 1, filed 9:39 a. m.
Louisville Order No. 1-F, Amendment No. 28, filed 9:46 a. m.
Louisville Order No. 2-F, Amendment No. 22, filed 9:46 a. m.
Louisville Order No. 3-F, Amendment No. 15, filed 9:46 a. m.

REGION IV

Birmingham Order No. 1-F, Amendment No. 7, filed 9:40 a. m.
Jackson Order No. 1-W, Amendment No. 2, filed 9:38 a. m.
Jackson Order No. 2-F, Amendment No. 9, filed 9:38 a. m.
Jackson Order No. 3-F, Amendment No. 2, filed 9:45 a. m.
Jackson Order No. 9, Amendment No. 2, filed 9:45 a. m.
Jackson Order No. 9, Amendment No. 8, filed 9:45 a. m.
Jackson Order No. 9, Amendment No. 4, filed 9:45 a. m.
Raleigh Order No. 6-F, filed 9:38 a. m.
Raleigh Order No. 11, Amendment No. 4, filed 9:39 a. m.
South Carolina Order No. 3-F, Amendment No. 6, filed 9:40 a. m.
South Carolina Order No. 3-F, Amendment No. 7, filed 9:42 a. m.
South Carolina Order No. 3-F, Amendment No. 8, filed 9:41 a. m.
South Carolina Rev. Order 1-F, Amendment No. 2, filed 9:41 a. m.
South Carolina Rev. Order 1-F, Amendment No. 3, filed 9:41 a. m.
South Carolina Rev. Order 1-F, Amendment No. 4, filed 9:42 a. m.
South Carolina Rev. Order 2-F, Amendment No. 2, filed 9:41 a. m.
South Carolina Rev. Order 2-F, Amendment No. 3, filed 9:40 a. m.
South Carolina Rev. Order 2-F, Amendment No. 4, filed 9:41 a. m.

REGION VI

La Crosse Order No. 1-F, Amendment No. 14, filed 9:40 a. m.
La Crosse Order No. 3-F, Amendment No. 10, filed 9:39 a. m.
La Crosse Order No. 4-F, Amendment No. 10, filed 9:40 a. m.
La Crosse Order No. 5-F, Amendment No. 10, filed 9:40 a. m.
North Platte Order No. 10, Amendment No. 1, filed 9:42 a. m.
North Platte Order No. 11, Amendment No. 1, filed 9:42 a. m.
North Platte Order No. 12, Amendment No. 1, filed 9:42 a. m.
North Platte Order No. 13, Amendment No. 1, filed 9:43 a. m.
North Platte Order No. 14, Amendment No. 1, filed 9:43 a. m.
North Platte Order No. 15, Amendment Uo. 1, filed 9:43 a. m.
North Platte Order No. 16, Amendment No. 1, filed 9:43 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-6501; Filed, May 6, 1944; 4:47 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on May 4, 1944.

REGION I

Augusta Order No. 16, Revocation, filed 4:22 p. m.
Augusta Order No. 17, Revocation, filed 4:22 p. m.
Connecticut Order No. 2-F, Amendment No. 6, filed 4:23 p. m.

REGION II

Buffalo Order No. 2-F, Amendment No. 3, filed 4:23 p. m.
New York Order No. 1-F, Amendment No. 5, filed 4:23 p. m.
Wilmington Order No. 2-F, Amendment No. 2, filed 4:23 p. m.

REGION III

Saginaw Order No. 2-F, Amendment No. 16, filed 4:23 p. m.
Escanaba Order No. 9-F, Amendment No. 9, filed 4:24 p. m.
Escanaba Order No. 10-F, Amendment No. 9, filed 4:24 p. m.
Escanaba Order No. 11-F, Amendment No. 9, filed 4:24 p. m.
Escanaba Order No. 12-F, Amendment No. 8, filed 4:24 p. m.
Escanaba Order No. 13-F, Amendment No. 8, filed 4:24 p. m.
Escanaba Order No. 14-F, Amendment No. 8, filed 4:25 p. m.
Escanaba Order No. 15-F, Amendment No. 8, filed 4:25 p. m.
Escanaba Order No. 16-F, Amendment No. 8, filed 4:25 p. m.
Escanaba Order No. 17-F, Amendment No. 7, filed 4:25 p. m.
Escanaba Order No. 21, Amendment No. 1, filed 4:23 p. m.
Escanaba Order No. 22, Amendment No. 1, filed 4:24 p. m.
Escanaba Order No. 24, Amendment No. 1, filed 4:24 p. m.
Escanaba Order No. 26, Amendment No. 1, filed 4:24 p. m.
Escanaba Order No. 27, Amendment No. 1, filed 4:24 p. m.

REGION IV

Jacksonville Order No. 3-F, Amendment No. 5, filed 4:21 p. m.
Jacksonville, Order No. 17, Amendment No. 2, filed 4:21 p. m.
Jacksonville Order No. 18, Amendment No. 2, filed 4:21 p. m.
Jacksonville Order No. 19, Amendment No. 2, filed 4:22 p. m.
Jacksonville Order No. 20, Amendment No. 2, filed 4:22 p. m.
Jacksonville Order No. 21, Amendment No. 2, filed 4:22 p. m.
Memphis, Order No. 4-F, Amendment No. 31, filed 4:21 p. m.
Memphis Order No. 14, Amendment No. 2, filed 4:20 p. m.
Memphis Order No. 15, Amendment No. 3, filed 4:20 p. m.
Montgomery Order No. 5-F, Amendment No. 7, filed 4:20 p m.
Montgomery Order No. 8-F, Amendment No. 8, filed 4:20 p. m.
Montgomery Order No. 15, Amendment No. 3, filed 4:20 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-6500; Filed, May 6, 1944; 4:47 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on May 5, 1944.

REGION IV

Atlanta Order No. 12, Amendment No. 2, filed 4:37 p. m.
Roanoke Order No. 1-W, Amendment No. 1, filed 4:37 p. m.
Roanoke Order No. 1-F, Amendment No. 13, filed 4:37 p. m.
Roanoke Order No. 2-F, Amendment No. 5, filed 4:37 p. m.
Roanoke Order No. 11, Amendment No. 2, filed 4:37 p. m.

REGION V

Arkansas Order No. 2-F, Amendment No. 10, filed 4:33 p. m.
Arkansas Order No. 3-F, Amendment No. 9, filed 4:33 p. m.
Arkansas Order No. 4-F, Amendment No. 12, filed 4:33 p. m.
Arkansas Order No. 5-F, Amendment No. 10, filed 4:33 p. m.

Arkansas Order No. 6–F, Amendment No. 12, filed 4:33 p. m.
Dallas Order No. 1–F, Amendment No. 14, filed 4:32 p. m.
Dallas Order No. G–14, Amendment No. 1, filed 4:38 p. m.
Dallas Order No. G–15, Amendment No. 1, filed 4:38 p. m.
Kansas City Order No. 2–F, Amendment No. 8, filed 4:32 p. m.
New Orleans Order No. 2–F, Amendment No. 15, filed 4:32 p. m.
Oklahoma City Order No. 3–F, Amendment No. 15, filed 4:32 p. m.

REGION VI

Milwaukee Order No. 2–F, Amendment No. 12, filed 4:35 p. m.
Milwaukee Order No. 3–F, Amendment No. 12, filed 4:34 p. m.
Milwaukee Order No. 4, Amendment No. 2, filed 4:35 p. m.
Milwaukee Order No. 5–F, Amendment No. 11, filed 4:34 p. m.
Milwaukee Order No. 11, Amendment No. 1, filed 4:34 p. m.
Moline Order No. 2–F, Amendment No. 11, filed 4:33 p. m.
Sioux City Order No. 2–F, Amendment No. 12, filed 4:36 p. m.
Sioux City Order No. 13, Amendment No. 1, filed 4:35 p. m.
Twin Cities Order No. 1–F, Amendment No. 10, filed 4:34 p. m.

REGION VII

Montana Order No. 2–W, filed 4:37 p. m.
Montana Order No. 2–W, Amendment No. 1, filed 4:36 p. m.
Montana Order No. 4–W, Amendment No. 1, filed 4:36 p. m.
Montana Order No. 4–W, Amendment No. 2, filed 4:36 p. m.

REGION VIII

Phoenix Order No. 16, filed 4:39 p. m.
Los Angeles Order No. L.A.–5, Amendment No. 13, filed 4:38 p. m.
Los Angeles Order No. L.A.–6, Amendment No. 13, filed 4:38 p. m.
Los Angeles Order No. L.A.–7, Amendment No. 13, filed 4:38 p. m.
Los Angeles Order No. L.A.–8, Amendment No. 13, filed 4:39 p. m.
Los Angeles Order No. L.A.–10, Amendment No. 2, filed 4:39 p. m.
Los Angeles Order No. L.A.–11, Amendment No. 1, filed 4:39 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–6549; Filed, May 8, 1944; 11:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–890]

THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of May 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than May 19, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on July 1, 1944, a dividend to its holders of common stock of record on June 3, 1944. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 31 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of April 25, 1944, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,712,802 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than $410,000 of cash; and that the payment of such dividend will result in a charge of approximately $2,800,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective or granting said application on or before May 27, 1944.

By the Commission

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–6430; Filed, May 5, 1944; 12:38 p. m.]

[File No. 70–891]

DALLAS RAILWAY & TERMINAL COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 4th day of May, A. D. 1944.

Notice is hereby given that an application has been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly under section 6 (b) and Rule U-50 promulgated thereunder by Dallas Railway & Terminal Company ("Dallas"), a non-utility subsidiary of Electric Power & Light Corporation, a registered holding company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Dallas will issue and sell at public sale, pursuant to the competitive bidding provisions of Rule U-50, $3,000,000 principal amount of First Mortgage Serial Bonds to mature annually in various amounts from June 1, 1945 to June 1, 1959, the bid or bids for such bonds to fix the interest rate and the price to be paid to the company (which shall not be less than 100% of the principal amount). The proceeds of the sale of such bonds are to be applied, together with treasury cash, to redeem all of Dallas' First Mortgage Gold Bonds, 6% Series, due 1951 in the principal amount of $3,567,700 at the redemption price of 102% of the principal amount thereof plus accrued interest to the date of redemption.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules of the Commission thereunder be held on May 18, 1944 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 15th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the City of Dallas and on the applicant herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before May 16, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue and sale of Serial Mortgage Bonds by Dallas

is solely for the purpose of financing the business in which it is engaged.

(2) What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors or consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-6431; Filed, May 5, 1944; 12:38 p. m.]

[File Nos. 54-95, 59-62, 70-641]

GEORGIA POWER AND LIGHT CO., ET AL.

NOTICE OF FILING OF PLAN, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of May 1944.

In the matter of Georgia Power and Light Company, Florida Power Corporation, General Gas & Electric Corporation, File No. 54-95; in the matter of Georgia Power and Light Company, General Gas & Electric Corporation, File No. 59-62; in the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Sante Fe Land Company, Georgia Power and Light Company, File No. 70-641.

Notice of filing of plan under Section 11 (e) of the Act and applications-declarations to effectuate related transactions, order consolidating with pending proceedings pursuant to Section 11 (b) (2), order for hearing on consolidated matters, and order granting request for withdrawal of portion of previous filing.

Notice is hereby given that filings under the Public Utility Holding Company Act of 1935 (the act) have been made by General Gas & Electric Corporation (Gengas), a registered holding company, and two of its direct public utility subsidiaries, Florida Power Corporation (Florida) and Georgia Power and Light Company (Georgia).

All interested persons are referred to said documents which are on file in the offices of this Commission for a treatment of the transactions therein proposed, which are summarized below:

1. Gengas, Florida, and Georgia have jointly filed a "Plan of Recapitalization of Georgia Power and Light Company", in which it is proposed that:

(a) Gengas will sell to Florida, for $75,600 in cash, 4,200 shares of Georgia's $6 Series, no par value, cumulative preferred stock; and Gengas will donate to Florida $310,600 in cash and all of the common stock of Georgia, consisting of 21,650 shares of common stock, no par value.

(b) Florida will donate to Georgia $1,400,000 in cash, the 4,200 shares of Georgia's preferred stock previously acquired from Gengas, and 600 shares of Georgia's common stock.

(c) Georgia will discharge its publicly held preferred stock, consisting of 6,327 shares, by a payment in cash of $150 for each share, this payment to be in full settlement for all claims of such preferred stockholders, including dividend arrears to June 30, 1944. The filing indicates that this proposed settlement is based on the liquidation value of $100 per share, plus the discounted value of the arrears in dividends (which arrears will amount to $62.25 per share at June 30, 1944), the computation of the discounted value being based on a 6% discount rate applied to an estimate that the dividend arrears can be eliminated from available earnings in eight to nine years.

2. Florida has filed a declaration to issue and sell, at competitive bidding, 40,000 shares of preferred stock. The proceeds from the sale of these securities are to be used to redeem presently outstanding preferred stock of Florida consisting of 5,940 shares of 7% cumulative preferred, par value $50 per share (call price $52.50 per share), and 28,762 shares of Series A 7% cumulative preferred, par value $100 per share (call price $110 per share) and to raise part of the cash proposed to be donated to Georgia.

3. Georgia is to reduce its outstanding indebtedness by redeeming $527,500 principal amount of its First Mortgage Bonds, 5% Series, due June 1, 1978, and restate its capital, surplus, and other accounts to reflect the consummation of the transactions above outlined.

The consummation of the "Plan of Recapitalization of Georgia Power and Light Company" is made contingent upon: (a) Approval of the plan by the Securities and Exchange Commission, together with the granting of applications and permitting declarations to become effective which are related to the consummation of the plan; (b) a determination by the Securities and Exchange Commission that the proposed transactions are necessary or appropriate to the integration or simplification of the holding company system of which Georgia is a member, all in accordance with the meaning and requirements of the Internal Revenue Code; (c) the entry of an appropriate decree by the United States District Court for the District of Georgia finding the plan fair and equitable and directing its consummation; and (d) the obtaining by the Trustees of Associated Gas and Electric Corporation, direct parent of Gengas, of an order of the United States District Court for the Southern District of New York authorizing the Trustees to acquiesce in the consummation of the plan.

Sections 7, 9, 10, 11 (e) (12 (b), 12 (c), 12 (d), and 12 (f) of the act and Rules U-42, U-43, U-44, and U-50 have been designated as being applicable to these proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said plan and the applications-declarations, and that said plan should not be effectuated, said applications should not be granted, or that said declarations should not become effective, except pursuant to further order of the Commission; and

These same applicants-declarants having heretofore made filings with this Commission concerned with, among other things, the merger into Florida of certain of its associate companies, namely, Florida Public Service Company, Sanford Gas Company and Santa Fe Land Company, and the transfer of the controlling interest in Georgia from Gengas to Florida (File No. 70-641), the Commission having issued a notice of and order for hearing pursuant to section 11 (b) (2) of the act with respect to Georgia and consolidating the hearing thereon with the merger proceedings (File No. 59-62); in granting the applications and permitting the declarations to become effective regarding the merger, the Commission having expressly reserved jurisdiction over the section 11 (b) (2) proceedings, the proposed transfer of Georgia, and related transactions; the instant filings stating that they supersede that portion of the previously filed applications-declarations concerned with the acquisition by Florida of the controlling interest in Georgia and related transactions; and a request to withdraw that portion of the previous filings having been made:

It is hereby ordered, That the portion of the application-declaration in File No. 70-641 not heretofore granted or permitted to become effective be, and hereby is, permitted to be withdrawn pursuant to the request of applicants-declarants.

It is further ordered, That the proceedings on the instant plan, applications-declarations, and the pending proceedings under section 11 (b) (2) of the act directed to Georgia be, and the same hereby are, consolidated.

It is further ordered, That a hearing be held upon such matters on June 1, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why the applications-declarations should be granted and permitted to become effective. All persons desiring to be heard or wishing to participate otherwise in the proceeding should notify the Commission in the manner provided by Rule XVII of its rules of practice on or before May 29, 1944.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceeding, attention will be directed at the public hearing to the following matters and questions:

1. Whether the plan, as proposed or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is, in all respects, fair and equitable to the persons affected thereby.

2. Whether the provisions for the consummation of the plan are fair and equitable and in accordance with applicable law.

3. The propriety of the proposed accounting treatment on the books of applicants-declarants.

4. Whether the proposed issuance of securities by Florida meets the relevant standards of the act.

5. Whether, and if so, to what extent, the holdings of preferred stock of Florida by associate companies of Florida should be permitted to participate in the proceeds of the refunding of such preferred stocks.

6. Generally, whether the proposed plan and all transactions incidental thereto are, in all respects, in the public interests and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, or, if not, whether and what modifications and what terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given applicants-declarants and all other interested persons, notice to be given to Gengas, Florida, and Georgia by registered mail and to all other interested persons by general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for the releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

It is further ordered, That either Gengas or Georgia give notice of this hearing by mailing a copy of this order and a copy of the "Plan of Recapitalization of Georgia Power and Light Company" to each of the public security holders of Georgia (insofar as the identity of such security holders is known or available to either Gengas or Georgia) to his last known address, at least fifteen days prior to the date of this hearing.

It is further ordered, That jurisdiction be and hereby is reserved to separate, whether for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions, or matters embraced by this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said consolidated proceedings, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6487; Filed, May 6, 1944; 12:45 p. m.]

[File No. 54-96]

MISSISSIPPI RIVER POWER CO., ET AL

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN AND ON APPLICATIONS AND DECLARATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of May 1944.

In the matter of Mississippi River Power Company, Union Electric Company of Missouri, Iowa Union Electric Company, and Union Electric Company of Illinois, File No. 54-96.

Notice is hereby given that Mississippi River Power Company, a subsidiary of Union Electric Company of Missouri, a registered holding company which is a subsidiary of The North American Company, also a registered holding company, has filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and that Union Electric Company of Missouri and its wholly-owned subsidiaries, Iowa Union Electric Company and Union Electric Company of Illinois, have filed applications and declarations pursuant to other applicable sections of the act relating to transactions incident to the plan of Mississippi River Power Company and other matters. The purpose of the plan and the transactions covered by said applications and declarations is the simplification of the structure of the holding company system of Union Electric Company of Missouri by the elimination of Mississippi River Power Company and Iowa Union Electric Company; if the plan and other proposed transactions are consummated, the holding company system of Union Electric Company of Missouri will consist solely of that company and Union Electric Company of Illinois. All interested persons are referred to said documents which are on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

1. Mississippi River Power Company (hereinafter sometimes referred to as Mississippi) proposes to reduce its common capital by the amount of $4,800,000 by changing the par value of its 160,000 shares of outstanding common stock from $100 to $70 per share; the capital surplus so created together with a capital surplus of $9,560,000 to be created by a capital contribution by Union Electric Company of Missouri (hereinafter sometimes referred to as Union Missouri [1]) will provide for the aggregate charge of $14,360,000 to capital surplus to eliminate, in compliance with orders recently issued by the Federal Power Commission and the Illinois Commerce Commission, certain inflationary items in Mississippi's plant account.

2. Mississippi proposes, after making other accounting adjustments in compliance with the last-mentioned orders and otherwise, to transfer all of its physical properties, except properties, consisting principally of transmission lines, located in the State of Missouri and certain current assets and liabilities, to Iowa Union Electric Company (hereinafter sometimes referred to as Iowa Union) and to acquire, in exchange therefor, 461,000 shares of common stock, without par value, of Iowa Union. (Prior to such transfer Mississippi will have called for redemption on July 1, 1944, all of its outstanding First Mortgage Five Per Centum Forty Year Bonds in the aggregate principal amount of $15,161,900, representing all of its funded debt. Most of the funds for such redemption will be supplied by the capital contribution referred to in paragraph numbered 1 above and by the payment of an open account indebtedness in the approximate amount of $5,700,000 owing by Union Missouri to Mississippi.)

3. Mississippi proposes thereafter to merge into Union Missouri by (a) transferring all of its then assets to Union Missouri, (b) converting each share of its outstanding 82,344¾ shares of 6% cumulative preferred stock into one share of Preferred Stock, $4.50 Series, of Union Missouri, and (c) converting each share of its 408 shares of common stock, held by others than Union Missouri, into three-fourths of a share of said Preferred Stock, $4.50 Series. (No certificates for fractional shares of the $4.50 Series, Preferred Stock, will be issued, but in lieu thereof, fractional scrip will be issued. Said scrip, during the period of one year will be exchangeable in combination with other similar scrip for full shares. At the expiration of one year, the scrip will be paid off in cash on the basis of the average closing prices of the New York Stock Exchange during the five-day period immediately following the expiration date.)

4. Mississippi proposes, coincident with the merger, to accept for cancellation the remaining 159,592 shares of its common stock owned by Union Missouri and to dissolve;

5. Mississippi proposes to effect said merger under the applicable statutes of the States of Maine and Missouri, to submit the merger agreement to the stockholders of Mississippi and Union Missouri, and to submit the reduction of its capital and the transfer of its properties to Iowa Union to the stockholders of Mississippi.

6. Union Missouri proposes to acquire the properties of Mississippi located in the State of Missouri, certain current assets and liabilities of Mississippi, and the 461,000 shares of the common stock of Iowa Union to be issued for the purpose set forth in paragraph numbered 2 above;

7. Union Missouri proposes to issue approximately 82,650 additional shares of its Preferred Stock, $4.50 Series, without par value, upon conversion of the 82,344¾ shares of 6% Cumulative Preferred Stock and 408 shares of the common stock of Mississippi as set forth in paragraph numbered 3 above;

8. Union Missouri proposes to surrender for cancellation the 159,592 shares of the common stock of Mississippi now owned by it;

[1] See Holding Company Act Release No. 5005.

9. Iowa Union proposes to issue 461,000 shares of its common stock to Mississippi and to acquire in exchange therefor the physical properties of Mississippi, other than those located in the State of Missouri, and certain current assets which are subject to certain current liabilities;

10. Iowa Union proposes, after the acquisitions mentioned in the last preceding paragraph, to merge with Union Electric Company of Illinois (hereinafter sometimes referred to as Union Illinois) by transferring all of its then assets, subject to all liabilities, to Union Illinois and, in connection therewith, to convert the 492,000 shares of its then outstanding common stock into common stock of Union Illinois on the basis of nine shares of the common stock of Union Illinois for each four shares of the common stock of Iowa Union, and to then dissolve;

11. Union Illinois proposes, in connection with the proposed merger with Iowa Union, to acquire all of the latter company's assets, subject to all liabilities, and to issue approximately 1,107,000 additional shares of its common stock, of the par value of $20 per share to Union Missouri in conversion of the 492,000 shares of the common stock of Iowa Union;

12. Union Missouri proposes to acquire, as a result of the conversion referred to in the last two preceding paragraphs, aproximately 1,107,000 additional shares of the common stock of Union Illinois and to pledge said common stock with the Trustee under its mortgage as additional security for the outstanding bonds of Union Missouri.

The Commission being required by the provisions of section 11 (e) of said act, before approving any plan thereunder, to find after notice and opportunity for hearing, that the plan of Mississippi River Power Company, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected by such plan; and

It being appropriate that notice be given and a hearing held with respect to the applications and declarations of Union Electric Company of Missouri, Iowa Union Electric Company, and Union Electric Company of Illinois and that said applications and declarations shall not become effective or granted except pursuant to the further order of the Commission; and

It appearing that the common issues of fact and law arising in connection with the plan of Mississippi River Power Company and the applications and declarations of Union Electric Company of Missouri, Iowa Union Electric Company, and Union Electric Company of Illinois make it appropriate that the hearings thereon be consolidated; *It is hereby ordered:* (a) That the hearings on the plan of Mississippi River Power Company and on the declarations and applications of Union Electric Company of Missouri, Iowa Union Electric Company, and Union Electric Company of Illinois be consolidated, subject to a reservation of jurisdiction to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to said plan or take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved;

(b) That the consolidated hearings be held on the 8th day of June, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before the 31st day of May 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to Mississippi River Power Company, Union Electric Company of Missouri, Iowa Union Electric Company, Union Electric Company of Illinois, Illinois Commerce Commission, and Public Service Commission of Missouri, and to all other persons; such notice to be given to Mississippi River Power Company, Union Electric Company of Missouri, Iowa Union Electric Company, Union Electric Company of Illinois, Illinois Commerce Commission, and Public Service Commission of Missouri by registered mail and to all other persons by publication in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under said act; and

It is further ordered, That Mississippi River Power Company mail a copy of the plan filed pursuant to section 11 (e) of the act together with a copy of this notice and order to each of its stockholders at his last known address at least twenty days prior to the 8th day of June 1944.

It is further ordered, That without limiting the scope of the issues presented by the plan and by the applications and declarations, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the plan of Mississippi River Power Company as proposed or as modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

2. Whether the accounting entries proposed in connection with the plan and applications and declarations are appropriate and in accordance with sound accounting principles and practice;

3. Generally, whether the proposed transactions of Union Electric Company of Missouri, Iowa Union Electric Company, and Union Electric Company of Illinois are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-6488; Filed, May 6, 1944; 12:45 p. m.]

[File No. 59-24]

CITIES SERVICE CO., ET AL.

ORDER REQUIRING DIVESTITURE BY HOLDING COMPANIES AND SUBSIDIARIES IN HOLDING COMPANY SYSTEM

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of May, A. D. 1944.

In the matter of Cities Service Company and its subsidiary companies, File No. 59-24.

The Commission having instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 respecting Cities Service Company and its subsidiary companies; the said companies having filed answers, and hearings having been held, requests for findings of fact and briefs in support thereof having been filed and exchanged, oral argument having been heard; and the Commission being advised in the premises and having this day issued its findings and opinion herein, and having determined that Cities Service Company should be limited in its operations to those of the single integrated gas utility system of Kansas City Gas Company, The Wyandotte County Gas Company, and The Gas Service Company, having determined that section 11 (b) (1) does not permit the retention of any additional integrated public-utility system together with the said single integrated system, and having determined that Cities Service Company may retain, as reasonably incidental, or economically necessary or appropriate to the said system the natural gas production and transmission properties of Cities Service Gas Company.

It is ordered, That Cities Service Company shall sever its relationship with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Arkansas Pipeline Corporation.
Arkansas Fuel Oil Company.
Arkansas Natural Gas Corporation.
Arkana Transit Company.
Orange State Oil Company.
Pen Wyo. Trust, The.
Atlantic Oil Company, The.
Phebus Oil Company, The
Columbus Oil Company, The.

Arkansas Louisiana Gas Company.
Lisbon Gasoline Company, Inc.
Transark Oil & Gas Company.
Brightman Manufacturing Company.
Chesebrough Building Company.
No. 8 State Street Realty Corporation.
South Ferry Company, Inc.
Cia de Gas y Combustible "Imperio", S. A.
Cia de Terrenos Petroliferos "Imperio", S. A.
Cities Service Oil Company (France).
Cities Service Oil Company, Limited (Ontario).
Cities Service Oil Company (Pennsylvania).
Cia Petrolera del Agwi.
Crew Levick Company.
Forward Process Company.
Mexican Atlas Petroleum Company.
Swiflite Aircraft Corporation.
Cities Service Power & Light Company.
Alliance Public Service Company.
Stark Transit, Inc.
Electric Building Company, The.
Benton County Utilities Corporation.
City Light & Traction Company.
Community Traction Company, The.
Maumee Valley Transportation Company.
Danbury and Bethel Gas and Electric Light Co., The.
Doniphan County Light & Power Co., The.
East Tennessee Light & Power Co.
Empire District Electric Company, The.
Federal Light & Traction Company.
Albuquerque Gas and Electric Company.
Deming Ice and Electric Co.
Electric Land Company, The.
Federal Advisers, Inc.
Federal Realty Company.
Las Vegas Light and Power Co., The.
New Mexico Power Co.
Rawlins Electric Co.
Sheridan County Electric Co.
Springfield Gas and Electric Co.
Stonewall Electric Co.
Trinidad Electric Transmission, Railway and Gas Co., The.
Tucson Gas, Electric Light & Power Co.
Tucson Rapid Transit Co.
Twin City Transit Co.
Knoxville Gas Co., The.
Lawrence County Water, Light & Cold Storage Co.
Ohio Public Service Co., The.
Arvada Electric Company, The
Cheyenne Light, Fuel and Power Co.
Colorado-Wyoming Gas Co.
Eastern Colorado Power and Irrigation Co., The.
Green and Clear Lakes Co.
Hillcrest Ditch and Reservoir Co., The.
East Boulder Ditch Co.
St. Joseph Railway, Light, Heat & Power Co.
Spokane Gas & Fuel Co.
Toledo Edison Company, The.
Toledo & Indiana Realty Co., The.
Consolidated Cities Light, Power & Traction Company.
Dominion Natural Gas Company, Limited.
United Fuel Investments, Ltd.
Hamilton By-Products Coke Ovens, Ltd.
United Gas and Fuel Company of Hamilton, Ltd.
Wentworth Gas Company, Ltd., The.
United Suburban Gas Company, Ltd., The.
Empire Gas and Fuel Company.
American Pipeline Company.
Cities Service Oil Company (Delaware).
Empire Pipeline Company.
Kaw Pipeline Company.
Wilbarger Water Company.
Empire Oil and Refining Company.
Indian Territory Illuminating Oil Company.
Texas-Empire Pipeline Company, The.
Texas-Empire Pipeline Company of Texas.
Texas-New Mexico Pipeline Company.
Empire Pipeline Company of Mexico, S. A., The.
Gulf Coast Corporation.
Manufacturers Natural Gas Company, Ltd., The.
Mexico-Eastern Oil Company.
Mexico-Texas Petrolene and Asphalt Company.
Natural Gas Pipeline Company of America.
Ozark Utilities Company.
Penn-York Natural Gas Corporation.
Quadrangle Gas Company.
Republic Light, Heat and Power Company, Inc.
Richfield Oil Corporation.
Sabino-Gordo Petroleum Corporation.
Southern Fuel & Refining Company.
Tampico Texas Petroleum Corporation.
Texoma Natural Gas Company.
Cities Service Oil Company—Argentina.
Cities Service Defense Corporation.
Home Gas & Electric Co.
Hydro Patents Co.
Sinclair-Panama Oil Corp.
Mountain & Plains Irrigation Co.
Pueblo Gas & Fuel Co.
Guayaquil & Quito Railway Co.
New York World's Fair, Inc.
Lake Shore Coach Co.
Tri-City Gas Company.
Electric Advisers, Inc.
Gas Advisers, Inc.
Petroleum Advisers, Inc.

and any other security, operation or interest, direct or indirect, not found by the Commission in its findings and opinion herein to be retainable by Cities Service Company.

The Commission desiring to afford to Cities Service Company an opportunity to indicate its preference for limitation to any other single integrated public-utility system within its control, and such other utility and non-utility operations as may properly be attendant thereto, as set forth in the opinion of the Commission this day issued;

It is ordered, That, notwithstanding the provisions of Rule XII (d) of the Commission's rules of practice, Cities Service Company may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than indicated herein and on the basis of a single system and retainable attendant operations as set forth in the opinion of the Commission herein; and the Commission retains jurisdiction to consider the said request and to make such amendment or modifications hereof and such other and further orders as may be necessary in the premises; and

2. The Commission having determined that Arkansas Natural Gas Corporation should be limited to the properties of Arkansas Louisiana Gas Company, and having determined that Arkansas Natural Gas Corporation may not retain any other properties in connection therewith; on the basis of the findings and opinion herein this day issued;

It is ordered, That Arkansas Natural Gas Corporation shall sever its relationships with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Arkansas Fuel Oil Company.
Arkansas Pipeline Corporation.
Arkana Transit Company.
The Penn Wyo. Trust.
The Atlantic Oil Company.
The Phebus Oil Company.
The Columbus Oil Company.
Lisbon Gasoline Company, Inc.
Transark Oil & Gas Company.
Petroleum Advisers, Inc.
Gas Advisers, Inc.
Orange State Oil Company.

and any other security, operation or interest, direct or indirect, not found by the Commission in its findings and opinion herein to be retainable by Arkansas Natural Gas Corporation.

It is provided, With respect to the findings, opinion and order herein, in their entirety, and with respect to the entry, publication, and service thereof that they shall be without prejudice to the right of the Commission to enter such other and further appropriate orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent rules and regulations thereunder and to carry out the provisions of this order; and

It is further provided, That jurisdiction is reserved to the Commission, notwithstanding this order, or its entry, publication, and service, to conduct such investigations, hearings, or other proceedings involving any or all of the respondents herein and to make such orders as it shall deem necessary or appropriate under section 11 (b) (2) or any other provision of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 44-6489; Filed, May 6, 1944; 12:45 p. m.]

[File Nos. 70-793, 54-64, 59-60]

INDIANA HYDRO-ELECTRIC POWER CO., ET AL.

ORDER APPROVING PLAN, GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of May 1944.

In the matter of Indiana Hydro-Electric Power Company, Northern Indiana Public Service Company, File No. 70-793; Indiana Hydro-Electric Power Company, File No. 54-64; Indiana Hydro-Electric Power Company Hugh M. Morris, Trustee of the Estate of Midland United Company, File No. 59-60.

Indiana Hydro-Electric Power Company (Hydro), a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company (United), a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of an amended plan for the merger of Hydro into Northern Indiana Public Service Company (Northern); and

Northern and United having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7 (e),

12 (c) and 12 (f) thereof, and Rules U-42, U-43 and U-44 thereunder for authorization for particular transactions constituting component parts of such plan, including: (1) the assumption by Northern of Hydro's First Mortgage 5% Bonds, in the principal amount of $2,604,000; (2) the exemption from the provisions of section 6 (a) of the act pursuant to the provisions of section 6 (b) thereof of the issuance by Northern of 11,400 shares of its 5% Cumulative Preferred Stock of the par value of $100 per share in exchange for 7% Cumulative Preferred Stock of Hydro; (3) alteration of rights of preferred stockholders of Northern; (4) transfer to Hydo by Northern and United of such preferred and common stock of Hydro as is owned by them; (5) acquisition and cancellation of the preferred stock of Hydro and Northern owned by dissenting stockholders.

A public hearing having been held on the applications and declarations as amended; the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said plan, as amended, be, and the same is hereby approved, and that the said applications and declarations, as amended, be, and the same are hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated pursuant to the Public Utility Holding Company Act of 1935 and to the following additional condition:

That in addition to the dividend restriction contained in the agreement of merger of Hydro into Northern, so long as any shares of preferred stock are outstanding, Northern will not declare or pay dividends in any calendar year on its common stock in excess of 75% of the net income of the company for the preceding calendar year available for such stock, unless the sum of the capital applicable to the common stock of Northern plus the surplus of the company, after giving effect to such dividends, exceeds 25% of total capitalization including surplus. In computing net income and the ratio of common stock and surplus to total capitalization, for the purpose of applying the dividend restrictions contained in the agreement of merger and in this condition, Northern shall use its audited statement of income and shall give effect to the accounting adjustments embodied in the orders of the Federal Power Commission and the Public Service Commission of Indiana relating to the disposition of the amount reclassified as Plant Adjustments (Account 107).

It is further ordered, That jurisdiction be and hereby is reserved over the legal expenses of Indiana Hydro-Electric Power Company in connection with the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 44-6490; Filed, May 6, 1944; 12:45 p. m.]

[File No. 1-2980]

CONTINENTAL CUSHION SPRING COMPANY

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of May, A. D. 1944.

The Board of Trade of the City of Chicago pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, $1.00 Par Value, of the Continental Cushion Spring Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, May 22, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Chas. S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6503; Filed, May 8, 1944; 10:01 a. m.]

[File No. 70-882]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER DENYING EXCEPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of May, A. D. 1944.

Applications and declarations having been filed by Northern Indiana Public Service Company under the Public Utility Holding Company Act of 1935 with respect to various transactions including the proposed issue and sale by said company of 220,078 shares of new cumulative 5% dividend preferred stock, $100 par value;

Said company having requested that such issue and sale be excepted from the provisions of Rule U-50 of the general rules and regulations promulgated under said act; the Commission having duly considered the matter and having this day issued its opinion herein;

In accordance with said opinion, and pursuant to the applicable provisions of said act and Rule U-50,

It is ordered, That said request for exception be and hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6504; Filed, May 8, 1944; 10:01 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 30]

HANDLING OF RECORDS OUTSIDE CONTINENTAL U. S. AND ITS POSSESSIONS

DELEGATION OF AUTHORITY

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

That any officer, employee or representative of the Department of State or of the Panama Canal is authorized to receive, handle, examine, transmit and perform administrative actions with regard to the records of any registrant who during the process of his registration, classification or induction is outside the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico or the Virgin Islands of the United States whenever and to the extent requested to do so by an officer of the Selective Service System. The words "administrative actions" as used herein shall include determination of the time and place, or either of them, at which such a registrant may appear for physical examination or induction in lieu of reporting at the office of his local board.

LEWIS B. HERSHEY,
Director.

MAY 5, 1944.

[F. R. Doc. 44-6472; Filed, May 6, 1944; 11:19 a. m.]

WAR FOOD ADMINISTRATION.

DIRECTOR OF DISTRIBUTION

DELEGATION OF AUTHORITY WITH RESPECT TO PRICING OF FRESH FRUITS AND VEGETABLES

Pursuant to the authority vested in me as War Food Administrator, there is hereby delegated to the Director of Distribution, War Food Administration, authority to consider and approve the maximum prices for fresh fruits and vegetables, governed by Maximum Price Regulation No. 376, as adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with said Maximum Price Regulation No. 376.

The authority delegated herein may be redelegated by the Director of Distribution to any employee of the United States Department of Agriculture.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 376" means Maximum Price Regulation No. 376 (8 F.R. 5487), issued by the Price Administrator, Office of Price Administration, on April 24, 1943, as

amended at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 376.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 376, by the appropriate regional office of the Office of Price Administration.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. II, 901 *et seq.;* 56 Stat. 765, 50 U.S.C., 1940 ed., Sup. II, 961 *et seq.;* E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-6464; Filed, May 5, 1944; 3:22 p. m.]

REGIONAL DIRECTORS OF DISTRIBUTION

DELEGATION OF AUTHORITY WITH RESPECT TO PRICING OF FRESH FRUITS AND VEGETABLES

Pursuant to the authority vested in me by the War Food Administrator, there is hereby delegated to each Regional Director of Distribution, Office of Distribution, War Food Administration, authority to consider and approve the maximum prices for fresh fruits and vegetables, governed by Maximum Price Regulation No. 376, as adjusted, from time to time, by any regional office of the Office of Price Administration in accordance with said Maximum Price Regulation No. 376, which are applicable within the area (8 F.R. 15764) served by the respective Regional Director.

When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

The term "Maximum Price Regulation No. 376" means Maximum Price Regulation No. 376 (8 F.R. 5487), issued by the Price Administrator, Office of Price Administration, on April 24, 1943, as amended at the time the authority delegated herein is exercised.

The term "fresh fruits and vegetables" shall have the same meaning as that which it has when used in said Maximum Price Regulation No. 376.

The term "regional office of the Office of Price Administration" includes each field office of the Office of Price Administration to which authority to act has been delegated, in accordance with Maximum Price Regulation No. 376, by the appropriate regional office of the Office of Price Administration.

(56 Stat. 23, 50 U.S.C., 1940 ed., Sup. II, 901 *et seq.;* 56 Stat. 765, 50 U.S.C., 1940 ed., Sup. II, 961 *et seq.;* E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6465; Filed, May 5, 1944; 3:23 p. m.]

WAR PRODUCTION BOARD.

[Certificate 158, Amdt. 2]

PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT ONE

APPROVAL OF PAW DIRECTIVE

The ATTORNEY GENERAL.

Referring to Certificate No. 158 issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on November 11, 1943, and to Amendment No. 1 thereto issued January 29, 1944, I submit herewith Amendment No. 2 [1] to Petroleum Directive 59 as amended December 1, 1943, of the Petroleum Administration for War.

For the purposes of the statute cited, I approve the amendment; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Petroleum Directive 59 as amended is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

MAY 1, 1944.

[F. R. Doc. 44-6410; Filed, May 5, 1944; 11:34 a. m.]

GEORGIAN FURNITURE CO., INC.

CONSENT ORDER

Georgian Furniture Co., Inc., a corporation which was located at 307 East 53d Street, New York, New York, and which was engaged in the upholstery business, was charged by the War Production Board on February 25, 1944, with having substantially and with gross negligence violated Limitation Order L-135, as of September 30, 1942, in that during the period beginning on or about November 1, 1942, through May 25, 1943, it violated Limitation Order L-135 by processing, fabricating, working on and assembling in excess of 370 pieces of wood upholstered furniture containing steel springs and coils, although Limitation Order L-135 provided that on and after November 1, 1942, no new wood upholstered furniture manufacturer should process, work on or assemble any new wood upholstered furniture which contained any iron or steel other than joining hardware. It was further charged that Georgian Furniture Co., Inc., formerly located at 307 East 53d Street, New York, New York, submitted to the War Production Board misleading information regarding the extent to which it was complying with Limitation Order L-135, thereby subjecting itself to administrative action under the provisions of Priorities Regulation No. 1 issued by the War Production Board.

Georgian Furniture Co., Inc., subsequent to the date of the violations charged as above, assigned its assets and business to William Rinn and Jack Rinn, a partnership, doing business as Georgian Furniture Company, located at 307 East 53d Street, New York, New York. William Rinn and Jack Rinn were the principal officers, directors and stockholders of the corporation. Subsequent to this assignment, the corporation was dissolved.

Georgian Furniture Co., Inc., and the above described William Rinn and Jack Rinn admit the violations as charged and have consented to the issuance of this order. Wherefore, upon the agreement and Consent of Georgian Furniture Co. Inc. and the above described William Rinn and Jack Rinn, the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered:*

That (a) Georgian Furniture Co., Inc., and William Rinn and Jack Rinn, a partnership, doing business as Georgian Furniture Company, their successors or assigns, during the three months period beginning April 1, 1944, and ending June 30, 1944, shall not consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than eleven per cent (11%) of the total cost value of essential metal parts consumed by it in the production of furniture during its metal parts base period (other than for preferred orders); and during the three months period beginning July 1, 1944, and ending September 30, 1944, Georgian Furniture Co., Inc., and William Rinn and Jack Rinn, a partnership, doing business as Georgian Furniture Company, their successors or assigns, shall not consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than eleven percent (11%) of the total cost value of essential metal parts consumed by it in the production of furniture during its metal parts base period (other than for preferred orders).

(b) Nothing contained in this order shall be deemed to relieve Georgian Furniture Co., Inc., and William Rinn and Jack Rinn, a partnership, doing business as Georgian Furniture Company, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on April 1, 1944, and shall expire on September 30, 1944.

Issued this 6th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6495; Filed, May 6, 1944; 4:31 p. m.]

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[1] *Supra.*

AMALGAMATED STEEL CO.

CONSENT ORDER, AMDT.

H. S. Meshorer, doing business as Amalgamated Steel Company, located at 7835 Broadway Avenue, Cleveland, Ohio, has requested relief, upon the grounds of hardship, from the terms of the consent order entered into by him with the War Production Board on December 17, 1943, and issued January 1, 1944, by the War Production Board.

The Regional Compliance Chief, the Regional Attorney, and the Compliance Commissioner have reviewed the case and concluded, on April 28, 1944, that undue hardship would result unless the consent order were modified.

Wherefore, upon the agreement and consent of H. S. Meshorer, doing business as Amalgamated Steel Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

The consent order herein referred to, issued January 1, 1944, be, and hereby is, amended by the substitution of the following paragraph (d) for the present paragraph (d):

(d) This order shall take effect upon the date of issuance, and shall expire on May 1, 1944.

Issued this 5th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6409; Filed, May 5, 1944; 11:32 a. m.]

[Certificate 24, Revocation]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated December 1, 1942 (7 F.R. 10089), concerning recommendation No. 58 of the Petroleum Coordinator for War.

DONALD M. NELSON,
Chairman.

MAY 3, 1944.

[F. R. Doc. 44-6519; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 117, Revocation]

TRANSPORTATION AND DELIVERY OF FOOD PRODUCTS IN TOPEKA, KANS.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated August 21, 1943 (8 F.R. 11775), concerning a recomendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of food products in Topeka, Kansas, including North Topeka and those districts known as Oakland and Highland Park.

DONALD M. NELSON,
Chairman.

MAY 4, 1944.

[F. R. Doc. 44-6520; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 434, Revocation]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN DURANGO, COLO.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated September 14, 1943 (8 F.R. 12858), concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of dairy products by motor vehicle in Durango, Colorado.

DONALD M. NELSON,
Chairman.

MAY 3, 1944.

[F. R. Doc. 44-6521; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 138, Revocation]

TRANSPORTATION AND DELIVERY OF DRUGS IN MILWAUKEE COUNTY, WIS.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated September 21, 1943, (8 F.R. 13360), concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of drugs by motor vehicle in Milwaukee County, Wisconsin.

DONALD M. NELSON,
Chairman.

MAY 3, 1944.

[F. R. Doc. 44-6522; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 161, Revocation]

TRANSPORTATION AND DELIVERY OF FLOWERS AND RELATED ARTICLES IN DALLAS, TEX., AREA

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated November 12, 1943 (8 F.R. 15725), concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery by motor vehicle of flowers and related articles in the Dallas, Texas, area.

DONALD M. NELSON,
Chairman.

MAY 3, 1944.

[F. R. Doc. 44-6523; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 185, Revocation]

TRANSPORTATION AND DELIVERY OF NEWSPAPERS IN NEW YORK CITY AREA

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated November 18, 1943 (8 F.R. 16088), concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery by motor vehicle of newspapers in the New York City area.

DONALD M. NELSON,
Chairman.

MAY 4, 1944.

[F. R. Doc. 44-6524; Filed, May 8, 1944; 11:06 a. m.]

[Certificate 187, Revocation]

TRANSPORTATION AND DELIVERY OF MILK IN KEOKUK, IOWA

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated November 18, 1943 (8 F.R. 16088), concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of milk by motor vehicle in Keokuk, Iowa.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-6525; Filed, May 8, 1944; 11:06 a. m.]

WAR SHIPPING ADMINISTRATION.

"BENSON"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on May 29, 1942, title to the vessel "Benson," Off. No. undocumented (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to

such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *;

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, EMORY S. LAND, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisititoned, for all purposes, as of the date of the original taking.

Dated: May 4, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-6433; Filed, May 5, 1944; 2:19 p. m.]